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Association for International Conciliation

PRO PATRIA PER ORBIS CONCORDIAM



PROGRAM, OF THE Association for International Conciliation



BY

BARON d'ESTOURNELLES de CONSTANT

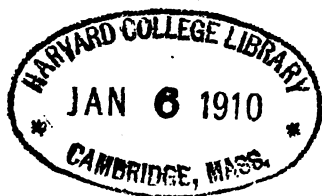
President Fondateur

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American Branch of the Association for International Conciliation

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PROGRAMME OF THE ASSOCIATION FOR INTERNATIONAL CONCILIATION.

True patriotism consists in properly serving one's country. It is not enough to be ever ready to defend it; it is necessary as well to steer it out of complications, to spare it needless burdens, and to promote, through peace, its energies, its resources, its trade. Our twofold programme has in view *to stimulate home activity under the safeguard of good foreign relations*, and we have followed this path, without any party spirit, during ten years, by means of a methodical education of public opinion.

In this enterprise, which at first seemed visionary, we have had efficient support coming from all classes of people, from all countries, from eminent representatives of the political and scientific world, from the different Parliaments, the different Executives, from the Universities, the Councils, the Municipalities, the Chambers of Commerce, the Labor Associations, the Peace Societies and the Progressive Clubs, both in Europe and in America, where, we can safely say, every Chief Executive has shown himself in favor of the things we strive for.

We have already arrived at practical results; prejudices against aliens are fast vanishing; the various peoples, confronted with the transformations caused by progress and laboring under the assaults of universal competition, begin to realize that there is a great deal to lose in antagonisms that

or judges) and insisted upon being his own judge, he would violate the first principles of justice. If he resorted to force in defense of his right to judge, he would be dishonored as a breaker of the law. Thus peace with justice is secured through arbitration, either by court or by tribunal, never by one of the parties sitting as judge of his own cause.

Nations, being only aggregates of individuals, they will not reach justice in their judgments until the same rule holds good, viz.: That they, like individuals, shall not sit as judges in their own causes. What is unjust for individuals is unjust for nations. Justice is justice, unchangeable, and should hold universal sway over all men and over all nations.

THIRD OBJECTION.—It is neither peace nor justice, but righteousness, that exalteth a nation.

Answer.—Righteousness is simply doing what is right. What is just is always right; what is unjust is always wrong. It being the first principle of justice that men shall not be judges in their own causes, to refuse to submit to judge or arbitrate is unjust, hence not right,

for the essence of righteousness is justice. Therefore, men who place justice or righteousness above peace practically proclaim, as it appears to me, that they will commit injustice and discard righteousness by constituting themselves sole judges of their own cause in violation of law, justice, and right.

Civilized man has reached the conclusion that he meets the claims of justice and of right only by upholding the present reign of law. Our pressing duty is to extend its benignant reign to combinations of men called nations. What is right for each individual must be right for the nation. This union of law and justice, insuring "Peace and good-will among men," through disinterested tribunals, is "righteousness which exalteth a nation." The demand that interested parties shall sit in judgment is the "self righteousness that degrades a nation."

FOURTH OBJECTION.—We cannot permit our country to be dishonored by any power.

Answer.— Our country cannot be dishonored by any power or by all the powers combined. No man can be dishonored by other

men. It is impossible. All honor-wounds are self-inflicted. We ourselves only can dishonor ourselves, or our country. One sure way of doing so is to insist upon the unlawful and unjust demand that we sit as judges in our own cause instead of offering to abide by the decision of a disinterested court or tribunal. Having offered peaceful settlement to our opponent, we have done our duty. If then attacked, it becomes our duty to defend our country, ourselves, family, and friends; but that which makes it so, also makes it our holy duty not to attack the country, homes and lives of others.

Since war decides not who is right, but only who is strong, it is difficult to understand how a moral being can conscientiously appeal to it before exhausting all peaceable means

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PRO PATRIA PER ORBIS CONCORDIAM

A LEAGUE OF PEACE

Address Delivered at the University of St. Andrews



BY

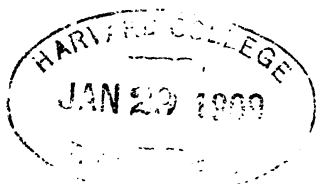
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Rector of the College

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American Branch of the Association for International Conciliation

542 Fifth Avenue, New York City



From the
**Quarterly Journal
of Economics.**

A LEAGUE OF PEACE

My first words must be words of thanks, very grateful thanks, to those who have so kindly re-elected me their Rector without a contest. The honor is deeply appreciated, I assure you. There is one feature, at least, connected with your choice, upon which I will venture to congratulate you, and also the University, the continuance of the services of my able and zealous assessor, Dr. Ross, of Dunfermline, which I learn are highly valued.

My young constituents, you are busily preparing to play your parts in the drama of life, resolved, I trust, to oppose and attack what is evil, to defend and strengthen what is good, and, if possible, to leave your part of the world a little better than you found it. You are already pondering over the career you will pursue, what problems you will study, upon what, and how, your powers can be most profitably exerted, and apart from the choice of a career, I trust you ask yourselves what are the evils of this life, in which all our duties lie, which you should most strenuously endeavor to eradicate or at least to lessen—what causes you will espouse, giving preference to these beyond all other public questions, for the Student of St. Andrews is expected to devote both time and labor to his duties as a citizen, whatever his professional career. You will find the world much better than your forefathers did. There is profound satisfaction in this, that all grows better; but there is still one evil in our day so far exceeding any other in extent and effect that I venture to bring it to your notice.

Polygamy and slavery have been abolished by civilized nations. Duelling no longer exists where English is spoken. The right of private war and of privateering have passed away. Many other bene-

ficent abolitions have been made in various fields, but there still remains the foulest blot that has ever disgraced the earth, the killing of civilized men by men like wild beasts as a permissible mode of settling international disputes, altho in Rousseau's words, "War is the foulest fiend ever vomited forth from the mouth of Hell." As such, it has received from the earliest times, in each successive age till now, the fiercest denunciations of the holiest, wisest and best of men.

Homer, about eight hundred and fifty years before Christ, tells us it is by no means fit for a man stained with blood and gore to pray to the gods, and that "Religious, social and domestic ties alike he violates, who willingly would court the honors of internal strife." (*Iliad*, IX., 63.)

He makes Zeus, the cloud-gatherer, look sternly at Ares, the God of War, saying: "Nay, thou renegade, sit not by me and whine. Most hateful art thou to me of all the Gods that dwell in Olympus; thou ever lovest strife and wars and battles." (*Iliad*, V., line 891.)

Euripides, 480-406 B. C., cries, "Hapless mortals, why do ye get your spears and deal out death to fellow-men? Stay! from such work forbear." . . . "Oh fools all ye who try to win the meed of valor through war, seeking thus to still this mortal coil, for if bloody contests are to decide, strife will never cease!"

Thucydides, who wrote his great work some time between 423 B. C. and 403 B. C., asserts that "Wars spring from unseen and generally insignificant causes, the first outbreak being often but an explosion of anger." And he gives us the needed lesson for our day which should be accepted as an axiom: "It is wicked to proceed against him as a wrongdoer who is ready to refer the question to arbitration." Aristides praised Pericles, because, to avoid war, "he is willing to accept arbitration."

Andocides, about 440-388 B. C., says: "This then is the distinction, Athenians, which I draw between the two: peace means security for the people, war inevitable downfall."

Isocrates, 436-338 B. C., teaches that "Peace should be made with all mankind. It should be our care not only to make peace, but to maintain it. But this will never be until we are persuaded that quiet is better than disturbance, justice than injustice, the care of our own than grasping at what belongs to others." (*Oration on Peace*.)

The sacred books of the East make peace their chief concern. "Thus does he (Buddha) live as a binder together of those who are divided, an encourager of those who are friends, a peacemaker, a lover of peace, impassioned for peace, a speaker of words that make for peace." (*Buddhist Suttas, 5th Century B. C.*) "Now, wherein is his conduct good? Herein, that putting away the murder of that which lives, he abstains from destroying life. The cudgel and the sword he lays aside, and, full of modesty and pity, he is compassionate and kind to all creatures that have life." (*Buddhist Suttas*.)

"Truly is the king our sovereign Lord! He has regulated the position of the princes; he has called in shields and spears; he has returned to their cases bows and arrows." (*The Shik King, Decade I., Ode 10.*)

Many hundred years before Christ, the Zendavesta pronounces "Opposition to peace is a sin."

The Buddhist commandment, six hundred years before our era, is, "Love all mankind equally."

"To those of a noble disposition the whole world is but one family," says the Hindu.

Coming to the Romans, Cicero (106-43 B. C.) says: "War should only be undertaken by a highly civilized State to preserve either its religion or its existence." "There are two ways of ending a dispute—discussion and force; the latter manner is simply

that of the brute beasts; the former is proper to beings gifted with reason." He also reminds the Senate, "For in this assembly, before the matter was decided, I said many things in favour of peace, and even while war was going on I retained the same opinions, even at the risk of my own life." No better proof of the true patriot and leader can be given than this—a lesson much needed in our day.

Sallust (86-34 B. C.) recounts, "But after the Senate learned of the war between them, three young men were chosen to go out to Africa to both Kings, and in the words of the Senate, and of the people, announce to them that it was their will and advice that they lay down their arms and 'settle their disputes by arbitration rather than by the sword; since to act thus would be to the honor both of the Romans and themselves." (*Jugurtha XXI., 4.*)

Virgil (70-19 B. C.) laments that "The love of arms and the mad wickedness of war are raging." "As for me, just come from war and reeking with fresh slaughter, it would be criminal for me to touch the gods till I shall have washed the pollution in the running stream."

From Seneca (4 B. C.-65 A. D.) we have this outburst, "We punish murders and massacres among private persons. What do we respecting wars, and the glorious crime of murdering whole nations?" "The love of conquest is a murderess. Conquerors are scourges not less harmful to humanity than floods and earthquakes."

Tacitus shrewdly observes, "To be sure, every wicked man has the greatest power in stirring up tumult and discord; peace and quiet need the qualities of good men." (*Historiæ, IV., 1.*). This is why the demagog comes to the surface, to inflame the passions of the multitude, that he may ride to power upon them. Beware of the man who leads you into war.

Josephus, born only thirty-eight years after Christ,

writes: "David said, 'I was willing to build God a temple myself, but he prohibited me, because I was polluted with blood and wars.'"

Plutarch, born 46 A. D., holds that "There is no war among men not born of wickedness; some are aroused by desire of pleasures, others by too great eagerness for influence and power."

Such are a few examples from the testimony of the ancients.

I now solicit your attention to the views held and expressed by the early Christian Fathers, which cannot but be of special importance to such of you as are theological students.

Justin Martyr, who died about 165 A. D., proclaims, "That the prophecy is fulfilled we have good reason to believe, for we (Christians), who in the past killed one another, do not now fight our enemies."

St. Irenaeus, about 140-202 A. D., boasts that "The Christians have changed their swords and their lances into instruments of peace, and they know not how to fight."

Clement of Alexandria, whose works were composed in the end of the second century and beginning of the third, writes: "The followers of Christ use none of the implements of war."

Tertullian, about 150-230 A. D., asks, "How shall a Christian go to war, how shall he carry arms in time of peace, when the Lord has forbidden the sword to us? . . . Jesus Christ in disarming St. Peter disarmed all soldiers. (*De Idololatr*, 19.) "The military oath and the baptismal vow are inconsistent with each other, the one being the sign of Christ, the other of the Devil." . . . "Shall it be held lawful to make an occupation of the sword, when the Lord proclaims that he who uses the sword shall perish by the sword?"

Origen, 185-254 A. D., says, "The angels wonder that peace is come through Jesus to earth, for it is a

place ridden with wars." "This is called peace where none is at variance, nothing is out of harmony where there is nothing hostile, nothing barbarian." "For no longer do we (Christians) take arms against any race, or learn to wage war, inasmuch as we have been made sons of peace through Jesus, whom we follow as our leader." (*Patrologia Græca*, XIV., pp. 46, 988, 1231.)

St. Cyprian, about 200-257 A. D., boasts that "Christians do not in turn assail their assailants, since it is not lawful for the innocent even to kill the guilty; but they readily deliver up their lives and blood." (*Epistle 56, to Cornelius, section 2.*)

Arnobius, who wrote about 295 A. D., says: "Certainly, if all who look upon themselves as men would listen awhile unto Christ's wholesome and peaceable decrees, the whole world long ago, turning the use of iron to milder works, should have lived in most quiet tranquility, and have met together in a firm and indissoluble league of most safe concord." (*Adversus Gentes, Lib. I., page 6.*)

Lactantius, who wrote in the beginning of the Fourth Century, insists that "It can never be lawful for a righteous man to go to war, for his warfare is unrighteous itself." "It is not murder that God rebukes; the civil laws punish that. God's prohibition is intended for those acts which men considered lawful. Therefore it is not permitted for a Christian to bear arms; justice is his armor. The divine command admits no exceptions; man is sacred and it is always a crime to take his life." (*Div. Inst., VI., 20.*) Thus does he declaim against men-slayers. "This, then, is your road to immortality. To destroy cities, devastate territories, exterminate or enslave free peoples! The more you have ruined, robbed and murdered men the more you think yourselves noble and illustrious." (*Div. Inst., I., 48.*)

Athanasius, 296-373 A. D., states that when people "hear the teaching of Christ, straightway instead of

fighting they turn to husbandry, and instead of arming their hands with weapons they raise them in prayer." (*Incarnation of the Word, section 52.*)

St. Gregory of Nyssa, 335-395 A. D., preaches that, "He who promises you profit, if you abstain from the ills of war, bestows on you two gifts—one the remission from a train of evils attendant on the strife, the other the strife itself." (*Patrologia Græca, XLIV., p. 1282.*)

St. Augustine, 354-430 A. D., declares that, "Not to keep peace is to spurn Christ." (*Migne's Patrologia, Latina XXXIII., p. 186.*) He holds that "defensive wars are the only just and lawful ones; it is in these alone that the soldier may be allowed to kill, when he cannot otherwise protect his city and his brethren." (*Letter, 47.*)

Isidore of Pelusium, 370-450 A. D., is no less outspoken: "I say, although the slaughter of enemies in war may seem legitimate, although the columns to the victors are erected, telling of their illustrious crimes, yet if account be taken of the undeniable and supreme brotherhood of man, not even these are free from evil." (*Patrologia Græca, LXXVIII., p. 1287.*)

We have also the undisputed historical record of Maximilian, the Centurion, who, having embraced Christianity, resigned his position and refused to fight. For this he was put to death.

Celsus, the great opponent of Christianity, who wrote about 176 A. D., reproaches the Christians for refusing to bear arms, and states that in one part of the Roman Army, including one-third of the whole, "Not a Christian could be found."

Martin replied to Julian, the apostate, "I am a Christian, and I cannot fight."

If we turn to the Popes, who were then supreme—

St. Gregory the Great, 540-604 A. D., writes the King of the Lombards, "By choosing peace you have shown yourself a lover of God, who is its author."

Pope Innocent III., to the King of France, in protest against the wars between Philip Augustus and Richard of England, writes, "At the moment when Jesus Christ is about to complete the mystery of redemption, he gives peace as a heritage to his disciples; he wills that they observe it among themselves and make it observed by others. What he says at his death, he confirms after his resurrection. 'Peace be with you.' These are the first words which he addressed to his Apostles. Peace is the expression of that love which is the fulfilling of the law. What is more contrary to love than the quarrels of men? Born of hate, they destroy every bond of affection; and shall he who loves not his neighbor love God?"

Erasmus declares, "If there is in the affairs of mortal men any one thing which it is proper to explode, and incumbent upon every man by every lawful means to avoid, to deprecate, to oppose, that one thing is doubtless war."

Luther declares, "Cannons and firearms are cruel and damnable machines. I believe them to have been the direct suggestion of the Devil. If Adam had seen in vision the horrible instruments his children were to invent, he would have died of grief."

Nothing can be clearer than that the leaders of Christianity immediately succeeding Christ, from whom authentic expressions of doctrines have come down to us, were well assured that their Master had forbidden to the Christian the killing of men in war or enlisting in the legions. One of the chief differences which separated Roman non-Christians and Christians was the refusal of the latter to enlist in the legions and be thus bound to kill their fellows in war as directed. We may well ponder over the change, and wonder that Christian priests accompany the armies of our day, and even dare to approach the Unknown, beseeching his protection and favor for soldiers in their heinous work. When the

warring hosts are Christian nations, worshipping the one God which, alas, is not seldom, as in the last gigantic orgy of human slaughter in Europe, we had the spectacle of the rival priests praying in the name of the Prince of Peace to the God of Battles for favor. Similar prayers were offered in the churches, where in some instances battle-flags, the emblems of carnage, were displayed. Future ages are to pronounce all this blasphemous. There are those of to-day who deplore it deeply. Even the Pagan, before Christ, direct from human butchery, refrained from appealing to his gods without first cleansing himself of the accruing pollution.

It is a truism that the doctrines of all founders of religions have undergone modifications in practice, but it is strange indeed that the doctrine of Christ regarding war and warriors, as held by his immediate followers, should have been so completely discarded and reversed in the later centuries, and is so still.

Bentham's words cannot be overlooked. "Nothing can be worse than the general feeling on the subject of war. The Church, the State, the ruling few, the subject man, all seem in this case to have combined to patronize vice and crime in their widest sphere of evil. Dress a man in particular garments, call him by a particular name, and he shall have authority, on divers occasions, to commit every species of offence—to pillage, to murder, to destroy human felicity; and for so doing he shall be rewarded. The period will surely arrive when better instructed generations will require all the evidence of history to credit that, in times deeming themselves enlightened, human beings should have been honored with public approval in the very proportion of the misery they caused."

Bacon's words come to mind: "I am of opinion that, except you bray Christianity in a mortar and mould it into new paste, there is no possibility of a holy war."

Apparently in no field of its work in our times does the Christian Church thruout the whole world, with outstanding individual exceptions of course, so conspicuously fail as in its attitude to war—judged by the standard maintained by the early Christian Fathers nearest in time to Christ. Its silence when outspoken speech might avert war, its silence during war's sway, its failure even during calm days of peace to proclaim the true Christian doctrine regarding the killing of men made in God's image, and the prostitution of its holy offices to unholy warlike ends, gives point to the recent arraignment of Prime Minister Balfour, who declared that the Church to-day busies itself with questions which do not weigh even as dust in the balance compared with the vital problems with which it is called upon to deal.

Volumes could be filled with the denunciations of war by the great moderns. Only a few can be given.

Lord Clarendon, 1608-1674, says, "We cannot make a more lively representation and emblem to ourselves of hell than by the view of a kingdom in war."

Hume says, "The rage and violence of public war, what is it but a suspension of justice among the warring parties?"

Gibbon writes, "A single robber or a few associates are branded with their genuine name; but the exploits of a numerous band assume the character of lawful and honorable war."

"In every battlefield we see an inglorious arena of human degradation," says Conway.

A strong voice from a St. Andrews Principal is heard. Sir David Brewster, 1781-1868, says, "Nothing in the history of the species appears more inexplicable than that war, the child of barbarism, should exist in an age enlightened and civilized. But it is more inexplicable still that war should exist where Christianity has for nearly 2,000 years been shedding its gentle light, and should be de-

fended by arguments drawn from the Scriptures themselves."

One of the greatest American Secretaries of State, Colonel John Hay, who has just passed away, denounced war "as the most futile and ferocious of human follies."

Much has man accomplished in his upward march from savagery. Much that was evil and disgraceful has been banished from life, but the indelible mark of war still remains to stain the earth and discredit our claim to civilization. After all our progress, human slaughter is still with us, but I ask your attention for a few minutes to many bright rays, piercing the dark cloud, which encourage us. Consider for a moment what war was in days past. It knew no laws, had no restrictions. Poison and assassination of opposing rulers and generals, arranged by private bargain and deceptive agreements, were legitimate weapons. Prisoners were massacred or enslaved. No quarter was given. Enemies were tortured and mutilated. Women, children and non-combatants were not spared. Wells were poisoned. Private property was not respected. Pillage was the rule. Privateering and private war were allowed. Neutral rights at sea were almost unknown.

Permit me briefly to trace the history of the reforms in war which have been achieved, from which we draw encouragement to labor for its abolition, strong in the faith that the days of man-slaying are numbered.

The first action against the savage custom of war is found in the rules of the Amphictyonic Council of the Greeks, some three hundred years before Christ. Hellenes were "to quarrel as those who intend some day to be reconciled." They were to "use friendly correction, and not to devastate Hellas or burn houses, or think that the whole population of a city, men, women and children, were equally their enemies and therefore to be destroyed."

We owe chiefly to Grotius the modern movement to subject hitherto lawless war on land and sea to the humane restraints of law. His first book, "*Mare Liberum*," appeared in 1609. It soon attracted such attention that Britain had to employ her greatest legal authority, Lord Selden, to make reply. Up to this time Spain, Portugal and Britain had maintained that the surrounding seas were closed to all countries except those upon their shores, a doctrine not formally abandoned by Britain until 1803.

Grotius's second and epoch-making work, "*The Rights of War and Peace*," appeared in 1625, and immediately arrested the attention of Gustavus Adolphus, the greatest warrior of his time. A copy was found in his tent when he died on the field of Lutzen. He stood constantly for mercy, even in those barbarous days. Three years after its appearance Cardinal Richelieu, to the amazement of Europe, spared the Huguenot garrison and protected the city of Rochelle when he was expected to follow the usual practice of massacring the defenders and giving the town and inhabitants over to massacre and pillage. It was then holy work to slay heretics, sparing not one. He was denounced for this merciful act by his own party and hailed as "Cardinal of Satan" and "Pope of the Atheists." The Treaty of Westphalia in 1648, three years after the death of Grotius, closed the Thirty Years War in Germany, the Eighty Years War in the Netherlands, and a long era of savagery in many parts of the globe. It shows clearly the influence of Grotius's advanced ideas, being founded upon his doctrine of the essential independence and equality of all Sovereign States, and the laws of justice and mercy. In the progress of man from war lawless and savage to war restricted and obedient to International Law, no name is entitled to rank with his. He is the father of modern International Law, so far as it deals with the rights of Peace and War. He has had several

eminent successors, especially Puffendorf, Bynkershoek and Vattel. These four are called by Phillimore "The Umpires of International Disputes." They are followed closely by a second quartette, the British Judge, Stowell, and the American Judges, Marshall, Story and Field.

International Law is unique in one respect. It has no material force behind it. It is a proof of the supreme force of gentleness—the irresistible pressure and final triumph of what is just and merciful. To the few who have contributed conspicuously to its growth in the past, and to those laboring therein to-day, civilization owes an unpayable debt. Private individuals have created it, and yet the nations have been glad to accept. British Judges have repeatedly declared that "International Law is in full force in Britain." It is so in America and other countries. We have in this self-created, self-developing and self-forcing agency one of the two most powerful and beneficent instruments for the peace and progress of the world.

The most important recent reforms effected in the laws of war are those of the Treaty of Paris (1856), the Treaty of Washington (1871), which settled the Alabama Claims, and the Brussels Declaration of 1874.

The Treaty of Paris marks an era as having enshrined certain principles. First, it abolished privateering. Henceforth war on the sea is confined to national warships, organized and manned by officers and men in the service of the State. Commerce is no longer subject to attack by private adventurers seeking spoil. Second, it ruled that a blockade to be recognized must be effective. Third, it established the doctrine that an enemy's goods in a neutral ship are free, except contraband. These were great steps forward.

America declined to accept the first (in which, however, she has now concurred) unless private

property was totally exempt on sea as on land, for which she has long contended, and which the Powers, except Britain, have generally favored. So strongly has the current set recently in its favor that hopes are entertained that the forthcoming Conference at The Hague may reach this desirable result. It is the final important advance in this direction that remains to be made, and means that peaceful commerce has been rescued from the demon War. Should it be made, the trenchers of St. Andrews students may well whirl in the air with cheers.

The Treaty of Washington is probably to rank in history as Mr. Gladstone's greatest service, because it settled by arbitration the Alabama Claims, a question fraught with danger, and which, if left open, would probably have driven apart and kept hostile to each other for a long period the two branches of the English-speaking race. A statesman less powerful with the great masses of his countrymen could not have carried the healing measure, for much had to be conceded by Britain, for which it deserves infinite credit. Three propositions were insisted upon by America as a basis for arbitration, and altho all were reasonable and should have been part of International Law, still they were not. Their fairness being recognized, Mr. Gladstone boldly and magnanimously agreed that the arbiters should be guided by them. These defined very clearly the duties of neutrals respecting the fitting out of ships of war in their ports, or the use of their ports as a naval base. This they must now use "due diligence" to prevent.

Morley says, in his "Life of Gladstone": "The Treaty of Washington and the Geneva arbitration stand out as the most noble victory in the 19th century of the noble art of preventive diplomacy, and the most signal exhibition in their history of self-command in two or three chief democratic Powers of the Western World."

The Brussels Convention met in 1874.

Even as late as the earlier half of last century the giving up of towns and their inhabitants to the fury of the troops which stormed them was permitted by the usages of war. Defending his conduct in Spain, Wellington says: "I believe it has always been understood that the defenders of a fortress stormed have no right to quarter. After the storming of San Sebastian, as to plunder he says: "It has fallen to my lot to take many towns by storm, and I am concerned to add that I never saw nor heard of one so taken by any troops that it was not plundered."

Shakespeare's description of the stormed city can never be forgotten:

"The gates of mercy shall be all shut up,
And the flushed soldier rough and hard
In liberty of bloody hand shall range
With conscience wide as hell."

This inhuman practice was formally abolished by the Brussels Declaration—that "a town taken by storm shall not be given up to the victorious troops to plunder." To-day to put a garrison to the sword would be a breach of the law of quarter, as well as a violation of the Brussels Declaration. We may rest assured the civilized world has seen the last of that atrocity.

We look back from the pinnacle of our high civilization with surprise and horror to find that even in Wellington's time, scarcely one hundred years ago, such savagery was the rule, but so shall our descendants after a like interval look back from a still higher pinnacle upon our slaying of man in war as equally atrocious, equally unnecessary, and equally indefensible.

Let me summarize what has been gained so far in mitigating the atrocities of war in our march onward to the reign of peace. Non-combatants are now spared, women and children are no longer massacred, quarter is given, and prisoners are well cared for. Towns are not given over to pillage, private property on land is exempt, or if taken, is paid or

receipted for. Poisoned wells, assassination of rulers and commanders by private bargain and deceptive agreements, are infamies of the past. On the sea, privateering has been abolished, neutral rights greatly extended and property protected, and the right of search narrowly restricted. So much is to be credited to the pacific power of International Law. There is great cause for congratulation. If man has not been striking at the heart of the monster War, he has at least been busily engaged drawing some of its poisonous fangs.

Thus even thruout the savage reign of man-slaying we see the blessed law of evolution unceasingly at work performing its divine mission, making that which is better than what has been and ever leading us on toward perfection.

We have only touched the fringe of the crime so far, however, the essence of which is the slaughter of human beings, the failure to hold human life sacred, as the early Christians did.

One deplorable exception exists to the march of improvement. A new stain has recently crept into the rules of war as foul as any that war has been forced by public sentiment to discard. It is the growth of recent years. Gentilis, Grotius, and all the great publicists before Bynkershoek dominated by the spirit of the Roman Law, by chivalry and long established practice, insist upon the necessity of a formal declaration of war, "that he be not taken unawares under friendly guise." Not until the beginning of the last century did the opposite view begin to find favor. To-day it is held that a formal declaration is not indispensable and that war may begin without it. Here is the only step backward to be met with in the steady progress of reforming the rules of war. It is no longer held to be contrary to these for a Power to surprise and destroy while yet in friendly conference with its adversary endeavoring to effect a peaceful settlement. It belongs to the

infernally armory of assassins hired to kill or poison opposing generals, of forged dispatches, poisoned wells, agreements made to be broken, and all the diabolic weapons which, for very shame, men have been forced to abandon as too infamous even for the trade of man-slaying. It proclaims that any party to a dispute can first in his right hand carry gentle peace, sitting in friendly conference, ostensibly engaged in finding a peaceful solution of differences, while with the left he grasps, concealed, the assassin's dagger. The parallel between duel and war runs very close through history. The challenger to a duel gave the other party notice. In 1187 the German Diet at Nuremberg enacted, "We decree and enact by this edict that he who intends to damage another or to injure him shall give him notice three days before." It is to be hoped that the coming conference will stamp this treachery as contrary to the rules of war, and thus return to the ancient and more chivalrous idea of attack only after notice.

We come now to the consideration of the other commanding force in the campaign against war—Peaceful Arbitration.

The originator of the world-wide arbitration idea was Emeric Cruce, born in Paris about 1590. Of his small book of 226 pages upon the subject only one copy exists. Gerloius had propounded the idea in the 12th century, but it failed to attract attention. Balch says, "Cruce presented what was probably the first real proposal of substituting international arbitration for war as the court of last resort of nations." It has a quaint preface. "This book would gladly make the tour of the inhabited world so as to be seen by all the kings, and it would not fear any disgrace, having truth for its escort and the merit of its subject, which must serve as letters of recommendation and credit."

Henry IV., in 1603, produced his scheme for consolidating Europe in order to abolish war, but as

its fundamental idea was armed force and involved the overthrow of the Hapsburgs, it cannot be considered as in line with the system of peaceful arbitration.

St. Pierre, the Duc de Lorraine, William Penn, the Quaker founder of Pennsylvania, Bentham, Kant, Mill and others have labored to substitute the reign of law for war by producing schemes much alike in character, so that we have many proofs of the irrepressible longing of man for release from the scourge.

I beg now to direct your attention to the most fruitful of all conferences that have ever taken place. Other conferences have been held, but always at the end of war, and their first duty was to restore peace between the belligerents. The Hague Conference was the first ever called to discuss the means of establishing peace without reference to any particular war. Twenty-six nations were represented, including all the leading Powers.

The conference was called by the present Emperor of Russia, August 24th, 1898, and is destined to be forever memorable from having realized Cruce's ideal, and giving to the world its first permanent court for the settlement of international disputes. The last century is in future ages to remain famous as having given birth to this High Court of Humanity. The conference opened upon the birthday of the Emperor, May 18th, 1899. The day may yet become one of the world's holidays in the coming day of Peace, as that upon which humanity took one of its longest and highest steps in its history, onward and upward. As Ambassador White says, "The conference marks the first stage in the abolition of the scourge of war." Such an achievement was scarcely expected, even by the most sanguine. Its accomplishment surprised most of the members of the conference themselves, but so deeply and generally had they been appalled by the ravages of war and its

enormous cost, by its inevitable progeny of future wars, and above all by its failure to ensure lasting peace, that the idea of a world court captivated the assembly, which has been pronounced the most distinguished that ever met. A less sweeping proposal would probably not have touched their imagination and aroused their enthusiasm. The prompt acceptance of the International Court by public sentiment in all countries was no less surprising. Every one of the Powers represented promptly ratified the treaty, the United States Senate voting unanimously—a rare event. We may justly accept this far-reaching and rapid success as evidence of a deep, general and earnest desire in all lands to depose war and enthrone peace thru the judicial settlement of disputes by courts.

At last there is no excuse for war. A tribunal is now at hand to judge wisely and deliver righteous judgment between nations. It has made an auspicious start. A number of disputes have already been settled by it. First, it settled a difference between the United States and Mexico. Then President Roosevelt, when asked to act as arbiter, nobly led Britain, Germany, France, Italy, America and Venezuela to it for settlement of their differences, which has just been concluded.

Britain had recently a narrow escape from war with Russia, arising from the unfortunate incident upon the Dogger Bank, when fishing boats were struck by shots from Russian warships. There was intense excitement. The Hague Treaty provides that when such difficulties arise International Commissions of Inquiry be formed. This was the course pursued by the two Governments, parties to the treaty, which happily preserved the peace.

It was under another provision of The Hague Conference that the President of the United States addressed his recent note to Japan and Russia suggesting a conference looking to peace, and offering

his services to bring it about. His success was thus made possible by The Hague Treaty. The world is fast awakening to its far-reaching consequences and to the fact that the greatest advance man has ever made by one act is the creation of a World Court to settle international disputes.

As I write report comes that to-morrow the august tribunal is to begin hearing France and Britain upon their differences regarding Muscat. There sits the divinest conclave that ever graced the earth, judged by its mission, which is the fulfilment of the prophecy, "When men shall beat their swords into ploughshares, and their spears into pruning hooks, nation shall not lift up sword against nation, neither shall they learn war any more."

Thus the world court goes marching on to the dethronement of savage war and the enthronement of peaceful arbitration.

The Hague Tribunal has nothing compulsory about it; all members are left in perfect freedom as to whether they submit questions to it or not. This has sometimes been regarded as its weakness, but it is, from another point of view, its strongest feature. Like International Law, it depends upon its merits to win its way, and, as we have seen, it is succeeding, but so anxious are many to hasten the abolition of war that suggestions are made towards obtaining the consent of the Powers to agree to submit to it certain classes of questions. In this it may be well to make haste slowly and refrain from exerting pressure. This will all come in good time. Peace wins her way not by force; her appeal is to the reason and the conscience of man. In all treaties hitherto the great Powers have retained power to withhold submission of questions affecting "their honor or vital interests." This was only natural at first, and time is required gradually to widen the range of subjects to be submitted. The tendency to do this is evident, and it only needs patience to reach

the desired end. The greatest step forward in this direction is that Denmark and the Netherlands and Chili and Argentina have just concluded treaties agreeing to submit to arbitration all disputes, making no exception whatever. To crown this noble work, the latter two have erected a statue to the Prince of Peace on the highest peak of the Andes, which marks the long-disputed boundary between them.

Another splendid advance in this direction has been made in the agreement to arbitrate all questions between Sweden and Norway. Questions affecting "independence, integrity or vital interests" are excepted, but should any difference arise as to what do, that question is to be submitted. In other words either nation can claim that a question does so and, if The Hague Tribunal agrees, it is not arbitrated. But if the Tribunal decides the difference does not concern the "independence, integrity or vital interest of either country," then it is submitted to arbitration. This is certainly a step forward, and you will please note that intangible thing—"honor"—is omitted.

These nations are to be cordially congratulated on taking the initial step in this splendid advance. We grudge not the honor and glory that have fallen to them therefrom, tho in our hearts we may feel that this might more appropriately have been the work of the race that abolished slavery, both branches participating, and also abolished the duel. What our race should now do is to follow the example set and conclude such a treaty, operative within the wide boundaries of English-speakers, Empire and Republic. Less than this were derogatory to our past as pioneers of progress. We cannot long permit these small nations to march in advance. We should at least get abreast of them.

We have noted that honor or vital interests have hitherto been excepted from submission by arbitra-

tion treaties. We exclaim, "Oh, Liberty, what crimes are committed in thy name!" but these are trifling compared with those committed in the name of "Honor," the most dishonored word in our language. Never did man or nation ever dishonor another man or nation. This is impossible. All honor's wounds are self-inflicted. All stains upon honor come from within, never from without. Innocence seeks no revenge, there is nothing to be revenged, guilt can never be. Man or nation whose honor needs vindication beyond a statement of the truth, which puts calumny to shame, is to be pitied. Innocence rests with that, truth has a quiet breast, for the guiltless find that

"So dear to heaven is saintly innocence,

A thousand liveried angels lackey her

To keep her from all sense of sin and shame."

Innocent honor, assailed, discards bloody revenge and seeks the Halls of Justice and of Arbitration. It has been held in the past that, a man's honor assailed, vindication lay only thru the sword. To-day it is sometimes still held that a nation's honor, assailed, can in like manner be vindicated only thru war, but it is not open to a member of our race to hold this doctrine, for within its wide boundaries no dispute between men can be lawfully adjusted outside the courts of law. Instead of vindicating his honor, the English-speaking man who violated the law by seeking redress by personal violence would dishonor himself. Under our law, no wrong against man can be committed that justifies the crime of private vengeance after its commission.

The man of our race who holds that his country would be dishonored by agreeing to unrestricted arbitration forgets that according to this standard he is personally dishonored by doing that very thing. Individually he has become civilized, nationally he remains barbaric, refusing peaceful settlement and insisting upon national revenge—all for injured honor.

Which of us would not rejoice to have Britain and America share with Denmark and Holland, Chili and Argentina, the "dishonor" they have recently incurred, and esteem it a proud possession?

Nations are only aggregates of the individual. The parallel between war and the duel is complete, and as society within our race already relies upon Courts of Justice to protect its members from all wrongs, so shall the nations finally rely upon International Courts.

Objection has been made that unreasonable, dishonoring or baseless claims might be made under arbitration. That any member of the family of nations would present a claim wholly without basis, or that the Court would not decide against it if made, is a danger purely hypothetical. The agreement between nations when made will undoubtedly be framed in accordance with the ideas of Grotius, and the independence and equality of all members and their existing territories recognized. These could not be assailed.

Three incidents have occurred since the Court was organized which have caused much pain to the friends of peace thruout the world:

America refused the offer of the Filipinos to adjust their quarrel by arbitration. Britain refused the offer of the Transvaal Republic to arbitrate, altho three of the Court proposed by the Republic were to be British Judges, and the other two Judges of Holland—the most remarkable offer ever made, highly creditable to the maker and a great tribute to British Judges. Neither Russia nor Japan suggested submission to The Hague. Since The Hague Court is the result of the Russian Emperor's initiative, this caused equal surprise and pain. The explanation has been suggested that peaceful conferences were being held when Japan attacked at Port Arthur without notice, rendering arbitration impossible.

We must recognize these discouraging incidents, but we have the consolation left us of believing that, had either of the three nations seen at the beginning the consequences of ignoring arbitration, as clearly as they did later, they would have accepted arbitration and had reason to congratulate themselves upon the award of the Court, whatever it was. They will learn by experience. Notwithstanding these regrettable failures to refer disputes to The Hague Court as peaceful umpire, we have abundant reason for satisfaction in the number of instances in which the Court's award has already brought peace without the sacrifice of one human life—the victories which bring no tears.

Signs of action in favor of universal peace abound. Among these may be mentioned that the Inter-Parliamentary Union assembled at St. Louis last year requested the Governments of the world to send representatives to an International Conference to consider:—*First*, the questions for the consideration of which the Conference at The Hague expressed a wish that a future conference be called. *Second*, the negotiation of Arbitration Treaties between the nations represented. *Third*, the advisability of establishing an International Congress to be convened periodically for the discussion of international questions.

President Roosevelt invited the nations to call the conference, but has recently deferred to the Emperor of Russia as the proper party to call the nations together again.

Should the proposed periodic congress be established, we shall have the germ of the Council of Nations, which is coming to keep the peace of the world, judging between nations, as the Supreme Court of the United States judges to-day between States embracing an area larger than Europe. It will be no novelty, but merely an extension of an agency already proved upon a smaller scale. As we

dwell upon the rapid strides toward peace which man is making, the thought arises that there may be those now present who will live to see this world council established, thru which is sure to come in the course of time the banishment of man-slaining among civilized nations.

I hope my hearers will follow closely the proceedings of The Hague Conference, for upon its ever extending sway largely depends the coming of the reign of peace. Its next meeting will be important, perhaps epoch-making. Its creation and speedy success prepare us for surprisingly rapid progress. Even the smallest further step taken in any peaceful direction would soon lead to successive steps thereafter. The tide has set in at last, and is flowing as never before for the principle of Arbitration as against War.

So much for the Temple of Peace at The Hague. Permit me a few words upon Arbitration in general.

The statesmen who first foresaw and proved the benefits of modern arbitration were Washington, Franklin, Hamilton, Jay and Grenville.

As early as 1780 Franklin writes, "We make daily great improvements in Natural, there is one I wish to see in Moral, Philosophy—the discovery of a plan that would induce and oblige nations to settle their disputes without first cutting each other's throats." His wish was realized in the Jay Treaty of 1794, from which modern arbitration dates. It is noteworthy that this Treaty was the child of our race and that the most important questions which arbitration has settled so far have been those between its two branches.

It may surprise you to learn that from the date of the Jay Treaty, one hundred and eleven years ago, no less than five hundred and seventy-one international disputes have been settled by arbitration. Not in any case has an award been questioned or disregarded, except, I believe, in one case, where the

arbiters misunderstood their powers. If in every ten of these differences so quietly adjusted without a wound, there lurked one war, it follows that peaceful settlement has prevented fifty-seven wars—one every two years. More than this, had the fifty-seven wars, assumed as prevented by arbitration, developed, they would have sown the seeds of many future wars, for there is no such prolific mother of wars as war itself. Hate breeds hate, quarrel breeds quarrels, war breeds war—a hateful progeny. It is the poorest of all remedies. It poisons as it cures. No truer line was ever penned than this of Milton, "For what can war but endless wars still breed?"

No less than twenty-three International Treaties of Arbitration have been made within the past two years. The United States made ten with the principal Powers, which only failed to be formally executed because the Senate, which shares with our Executive the treaty-making power to the extent that its approval is necessary, thought it advisable to change one word only—"treaty" for "agreement"—which proved unsatisfactory to the Executive. The vote of the Senate was almost unanimous, showing an overwhelming sentiment for arbitration. The internal difference will no doubt be adjusted.

You will judge from these facts how rapidly arbitration is spreading. Once tried, there is no backward step. It produces peace and leaves no bitterness. The parties to it become better friends than before; war makes them enemies.

Much has been written upon the fearful cost of war in our day, the ever-increasing blood tax of nations, which threatens soon to approach the point of exhaustion in several European lands. To-day France leads with an expenditure of £3 14s and a debt of £31 3s 8d per head. Britain follows with an annual expenditure of £3 8s 8d and a debt of £18 10s 5d per head. Germany's expenditure is in great contrast—only £1 15s 4d, not much more than one-

third ; her debt £2 12s 2d, not one-sixth that of Britain. Russia's expenditure is £1 14s 6d, about the same as the German ; her debt £5 9s 9d per head.

The military and naval expenditure of Britain is fully half of her total expenditure ; that of the other great Powers, though less, is rapidly increasing.

All the great national debts, with trifling exceptions—Britain's Eight Hundred Millions, France's Twelve Hundred Millions Sterling—are the legacies of war.

This drain, with the economic loss of life added, is forcing itself upon the nations concerned as never before. It threatens soon to become dangerous unless the rapid increase of recent years be stopped, but it is to be feared that not till after financial catastrophe occurs will nations devote themselves seriously to apply the cure.

The futility of war as a means of producing peace between nations has often been dwelt upon. It is really the most futile of all remedies, because it embitters contestants and sows the seeds of future struggles. Generations are sometimes required to eradicate the hostility engendered by one conflict. War sows dragons' teeth and seldom gives to either party what it fought for. When it does, the spoil generally proves dead sea fruit. The recent terrible war just concluded is another case in point. Neither contestant obtained what he fought for, the reputed victor being most of all disappointed at last with the terms of peace. Had Japan, a very poor country, known that the result would be a debt of two hundred millions Sterling loading her down, or had Russia known the result, differences would have been peacefully arbitrated. Such considerations find no place, however, in the fiery furnace of popular clamor—as little do those of cost or loss of life. Only if the moral wrong, the sin in itself, of man-slaying is brought home to the conscience of the masses may we hope speedily to banish war.

There will, we fear, always be demagogues in our day to inflame their brutal passions and urge men to fight, as a point of honor and patriotism, scouting arbitration as a cowardly refuge. All thoughts of cost or loss of human life vanish when the brute in man, thus aroused, gains sway.

It is the crime of destroying human life by war and the duty to offer or accept peaceful arbitration as a substitute which needs to be established, and which, as we think, those of the Church, the Universities, and of the Professions are called upon to strongly emphasize.

If the principal European nations were not free thru conscription from the problem which now disturbs the military authorities of Britain, the lack of sufficient numbers willing to enter the man-slaying profession, we should soon hear the demand formulated for a League of Peace among the nations. The subject of war can never be studied without recalling this simplest of all modes for its abolition. Five nations co-operated in quelling the recent Chinese disorders and rescuing their representatives in Peking. It is perfectly clear that these five nations could banish war. Suppose even three of them formed a League of Peace—inviting all other nations to join—and agreed that since war in any part of the civilized world affects all nations, and often seriously, no nation shall go to war, but shall refer International disputes to The Hague Conference or other arbitral body for peaceful settlement, the League agreeing to declare non-intercourse with any nation refusing compliance. Imagine a nation cut off to-day from the world. The League also might reserve to itself the right, where non-intercourse is likely to fail or has failed to prevent war, to use the necessary force to maintain the peace, each member of the League agreeing to provide the needed forces or money in lieu thereof, in proportion to her population or wealth. Being experimental

and upon trial, it might be deemed advisable, if necessary, at first to agree that any member could withdraw after giving five years' notice, and that the League should dissolve five years after a majority vote of all the members. Further provisions and perhaps some adaptations would be found requisite, but the main idea is here.

The Emperor of Russia called The Hague Conference which gave us an International Tribunal. Were King Edward or the Emperor of Germany or the President of France, acting for their Governments, to invite the nations to send representatives to consider the wisdom of forming such a League, the invitation would no doubt be responded to and probably prove successful.

The number that would gladly join such a League would be great, for the smaller nations would welcome the opportunity.

The relations between Britain, France and the United States to-day are so close, their aims so similar, their territories and fields of operations so clearly defined and so different that these Powers might properly unite in inviting other nations to consider the question of such a League as has been sketched. It is a subject well worthy the attention of their rulers, for of all the modes of hastening the end of war this appears the easiest and the best. We have no reason to doubt that arbitration in its present optional form will continue its rapid progress, and that it in itself contains the elements required finally to lead us to peace, for it conquers wherever it is tried, but it is none the less gratifying to know that there is in reserve a drastic mode of enforcement, if needed, which would promptly banish war.

Notwithstanding all the cheering signs of the growth of arbitration, we should delude ourselves if we assumed that war is immediately to cease, for it is scarcely to be hoped that the future has not to wit-

ness more than one great holocaust of men to be offered up before the reign of peace blesses the earth. The scoria from the smouldering mass of the fiery past, the seeds the great wars have sown, may be expected to burst out at intervals more and more remote until the poison of the past is exhausted. That there is to be perfect, unbroken peace in our progress to this end we are not so unduly sanguine as to imagine. We are prepared for more than one outbreak of madness and folly in the future as in the past, but that peace is to come at last, and that sooner, much sooner than the majority of my hearers can probably credit, I for one entertain not one particle of doubt.

We sometimes hear, in defence of war, that it develops the manly virtue of courage. This means only physical courage, which some animals and the lower order of savage men possess in the highest degree. According to this idea, the more man resembles the bulldog the higher he is developed as man. The Zulus, armed with spears, rush upon repeating rifles, not because unduly endowed with true courage, but because they lack common sense. One session or less at St. Andrews University would cure them of their folly. In our scientific day, beyond any that has preceded, discretion is by far the better part of valor. Officers and men, brave to a fault, expose themselves needlessly and die for the country they would have better served by sheltering themselves and living for. Physical courage is far too common to be specially extolled. Japanese, Russian and Turk, Zulu and Achenese are all famous for it. It is often allied with moral cowardice. Hotspur is an ideal physical-courage hero when he exclaims—

“By heaven, methinks it were an easy leap,
To pluck bright honor from the pale-faced moon,
Or dive into the bottom of the deep,
Where fathom line could never touch the ground,

And pluck up drowned honor by the locks;
So that he that doth redeem her thence might wear
Without corral all her dignities."

Vain peacock, unless he could reap the glory and strut bespangled with glittering decorations, he cared not to achieve. All for himself, nothing for the cause, nothing for his country.

Achilles, sulking in his tent, incensed upon the question of loot and praying the gods to defeat his own countrymen, is another example of a physically courageous military hero. Fortunately, our modern military men are generally of a different type. It is not the individual who conforms to the standard of his age, but the bad standard of the age that is to be condemned. Men are to be judged only by the standard of their time, and tho our standard of to-day may be low indeed, the men conforming to it are not to be decried.

If you would be lifted up and inspired by worshipping at the shrine of the much nobler and rarer virtue, moral courage, stand before the Martyrs' Monument yonder. The Martyrs cared nothing for earthly glory and honor or reward; their duty was to stand for a noble cause, and for that, not for their own selfish exaltation, they marched through fire and fagot to death unflinchingly, chanting as they marched.

There is one very encouraging indication of progress within our race, as showing, it is to be hoped, the influence of education upon the masses in evolving clearer ideas of responsibility for their actions. The attention of Parliament was recently called to the difficulty of obtaining recruits for the army. The shortage of officers in the auxiliary forces (Volunteers and Militia) is no less than twenty-five per cent.—one-fourth of the whole. The Militia has 32,000 men less than before. The Regular Army lacks 242 officers, and the British Army for India is short 12,000 British recruits. The Government pro-

nounces this "the most serious problem which confronts the military authorities." Some of the highest military authorities see the final remedy only in conscription. I rejoice to inform you that your kin beyond sea in America have on hand the very same problem for her navy. Her army, being so small, is not yet affected. All their warships cannot be manned—3,500 men are lacking. From this shortage of recruits we are justified in concluding that there is no longer a general desire in our race to enter the services. This is specially significant, as we are informed that increase of pay would not greatly increase recruiting, as recruits are obtained chiefly from a certain class. We hear of a like trouble in another profession, a scarcity of young, educated, conscientious men desirous of entering the Ministry, thought to be owing to the theological tenets to which they are required to subscribe. Both branches of the Church in Scotland have accordingly endeavored to meet this problem of substituting less objectionable terms.

Perhaps from the public library young men have taken Carlyle and read how he describes the artisans of Britain and France: "Thirty stand fronting thirty, each with a gun in his hand. Straightway the word 'fire' is given, and they blow the souls out of one another; and in place of sixty brisk, useful craftsmen, the world has sixty dead carcasses which it must bury and anew shed tears for. Had these men any quarrel? Busy as the devil is, not the smallest! They lived far enough apart, were the entirest strangers; nay, in so wide a universe there was even, unconsciously, by commerce, some mutual helpfulness between them. How then? Simpleton! Their Governors had fallen out, and, instead of shooting one another, had the cunning to make these poor blockheads shoot."

Those who decline the advances of the decorated Recruiting Officer may have stumbled upon Profes-

sor MacMichael's address to the Peace Congress at Edinburgh, 1853, when he said: "The military profession is inconsistent with Christianity. The higher the rank and the greater the intellect, the more desperate the criminality. Here is a person upon whom God has conferred the rare gift of mathematical genius. If properly directed what an abundant source of benefit to mankind. It might be employed in the construction of railways, by which the most distant parts of the world are brought into communication with each other. It might be employed in flashing the trembling lightning across the wires, making them the medium of intercourse between loving hearts thousands of miles apart; in increasing the wonderful powers of the steam engine, relieving man from his exhausting toils; in application to the printing press, sending light and knowledge to the farthest extremities of the earth. It might be employed in draining marshes, in supplying our towns and cities with water, and in adding to the health and happiness of men. It might lay down rules derived from the starry heavens, by which the mariner is guided through the wild wastes of waters in the darkest night. How noble is science when thus directed, but in the same proportion how debasing does it become when directed to human destruction! It is as if a chemist were to make use of his knowledge not to cure the diseases of which humanity is suffering, but to poison the springs of existence. The scientific soldier cultivates his endowments for what purpose? That he may determine the precise direction at which these batteries may vomit forth their fire so as to destroy most property and most lives; that he may calculate the precise angles and force with which these shells may be sent up into the air that they may fall upon that particular spot which is thronged with men, and exploding there, send havoc among them. Great God! am I at liberty to devote my faculties to this infernal work?"

That is a voice from Dunfermline of weighty import. I found it recently and rejoiced that when a child, I had often seen the man who wrote these words.

Wycliff's opinion may have arrested the young men's attention: "What honor falls to a knight that kills many men? The hangman killeth many more and with a better title. Better were it for men to be butchers of beasts than butchers of their brethren!"

Or John Wesley's wail may have struck deep in the hearts of some fit for recruits: "You may pour out your soul and bemoan the loss of true, genuine love in the earth. Lost indeed! These *Christian* kingdoms that are tearing out each other's bowels, desolating one another with fire and sword! These Christian armies that are sending each other by thousands, by tens of thousands, quick to hell!"

It may be from eminent soldiers that young men have received the most discouraging accounts of the profession. Napoleon declared it "the trade of barbarians." Wellington writes Lord Shaftesbury, "War is a most detestable thing. If you had seen but one day of war, you would pray God you might never see another." General Grant, offered a Military Review by the Duke of Cambridge, declined, saying he never wished to look upon a regiment of soldiers again. General Sherman writes he was "tired and sick of the war. Its glory is all moonshine. It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded, who cry aloud for more blood, more vengeance, more desolation. War is Hell."

Perhaps some have pondered over Sir John Sinclair's opinion that "the profession of a soldier is a damnable profession."

The professional soldier is primarily required for purposes of aggression, it being clear that if there were none to attack, none to defend would be need-

ed. The Volunteer, who arms only to be better able to defend his home and country, occupies a very different position from the recruit who enlists unconditionally as a profession and binds himself to go forth and slay his fellows as directed. The defence of home and country may possibly become necessary, altho no man living in Britain or America has ever seen invasion or is at all likely to see it. Still, the elements of patriotism and duty enter here. That it is every man's duty to defend home and country goes without saying. *We should never forget, however, that which makes it a holy duty to defend one's home and country also makes it a holy duty not to invade the country and home of others*, a truth which has not hitherto been kept in mind. The more's the pity, for in our time it is one incumbent upon the thoughtful, peace-loving man to remember. The professional career is an affair of hire and salary. No duty calls any man to adopt the naval or military profession and engage to go forth to kill other men when and where ordered without reference to the right or wrong of the quarrel. It is a serious engagement involving as we lookers-on see it a complete surrender of the power most precious to man—the right of private judgment and appeal to conscience. Jay, the father of the first treaty between Britain and America, has not failed to point out that “our country, right or wrong, is rebellion against God and treason to the cause of civil and religious liberty, of justice and humanity.”

Just in proportion as man becomes truly intelligent, we must expect him to realize more and more that he himself alone is responsible for his selection of an occupation, and that neither Pope, Priest nor King can relieve him from this responsibility.

It was all very well for the untaught, illiterate hind, pressed into King Henry's service, to argue, “Now, if these men do not die well, it will be a black matter for the King that led them to it, whom

to disobey were against all proportion of subjection." The schoolmaster has been abroad since then. The divine right of Kings has gone. The mass of English-speaking men now make and unmake their Kings, scout infallibility of power of Pope or Priest, and in extreme cases sometimes venture to argue a point, even with their own minister. The "Judge within" begins to rule. Whether a young man decides to devote his powers to making of himself an efficient instrument for injuring or destroying, or for saving and serving his fellows, rests with himself to decide after serious consideration.

To meet the scarcity of officers the Government stated that it was considering the policy of looking to the Universities for the needed supply, and that steps might be taken to encourage the study of war with a view to enlistment; but if University students are so far advanced ethically as to decline pledging themselves to preach "creeds outworn"—rightfully most careful to heed the "Judge within," their own conscience—Universities will probably be found poor recruiting ground for men required to pledge themselves to go forth and slay their fellow-men at another's bidding. The day of humiliation will have come upon Universities when their graduates, upon whom have been spent years of careful education in all that is highest and best, find themselves at the end good for nothing better than "food for powder." I think I hear the response of the son of St. Andrews to the Recruiting Officer, "Is thy servant a dog that he should do this thing?"

From one point of view the scarcity of officers and recruits in Britain and America, where men are free to choose, and the refusal of University Students to compromise themselves by pledges upon entering the Ministry, is most cheering, evincing as it does a keener sense of personal responsibility, a stronger appeal to conscience—the "Judge within"

—more tender and sympathetic natures, a higher standard of human action, and altogether a higher type of man.

If war requires a surrender of all these by its recruits, much better we should face the alternative and let Britain and America depend upon the patriotism of citizens to defend their countries if attacked, in which duty I for one strongly believe they will never be found inefficient. Colonel Henderson, in his "Science of War," states "that the American Volunteers were superior to the conscript levies of Europe—that the morale of conscript armies has always been their weakest point. The morale of the volunteer is of a higher type." This stands to reason.

Should Britain ever be invaded, the whole male population able to march would volunteer, and from many parts of the world thousands would rush to the defence of the old home. Those who invade the land of Shakespeare and Burns will find they have to face forces they never reckoned upon. The hearts and consciences of all would be in the work, and "Thrice is he armed who hath his quarrel just."

Students of St. Andrews, my effort has been to give you a correct idea of the movement now stirring the world for the abolition of war, and what it has already accomplished. It never was so widespread or so vigorous, nor at any stage of the campaign have its triumphs been so numerous and important as those of the last few years, beginning with The Hague Conference, which in itself marks an epoch. The foundation stone of the structure to come was then laid. The absolute surrender by four nations of all future differences to arbitration, and Norway and Sweden's agreement, mark another stage. Thus the civilized world at last moves steadily to the reign of peace through arbitration.

The question has no doubt arisen in your minds, What is your duty and how can you best co-operate

in this holy work and hasten the end of war. I advise you to adopt Washington's words as your own, "My first wish is to see this plague of mankind, war, banished from the earth." Leagues of Peace might be formed over the world with these words as their motto and basis of action. How are we to realize this pious wish of Washington's? may be asked. Here is the answer: Whenever an international dispute arises, no matter what party is in power, demand at once that your Government offer to refer it to arbitration, and if necessary break with your party. Peace is above party. Should the adversary have forestalled your Government in offering arbitration, which for the sake of our race I trust will never occur, then insist upon its acceptance and listen to nothing until it is accepted. Drop all other public questions, concentrate your efforts upon the one question which carries in its bosom the issue of peace or of war. Lay aside your politics until this war issue is settled. This is the time to be effective. And what should the ministers of the churches be doing? Very different from what they have done in the past. They should cease to take shelter from the storm, hiding themselves in the recital of the usual formulas pertaining to a future life in which men in this life have no duties, when the nation is stirred upon one supreme moral issue, and its Government, asserting the right to sit in judgment upon its own cause, is on the brink of committing the nation to unholy war, for unholy it must be if peaceful settlement offered by an adversary be refused. Refusal to arbitrate makes war, even for a good cause, unholy; an offer to arbitrate lends dignity and importance to a poor one. Should all efforts fail, and your country, rejecting the appeal to judicial arbitration, plunges into war, your duty does not end. Calmly resolute in adherence to your convictions, stating them when called upon, tho never violently intruding them, you await the result, which

cannot fail to prove that those who stood for peaceful arbitration chose the right path and have been wise counsellors of their country. It is a melancholy fact that nations looking back have usually to confess that their wars have been blunders, which means they have been crimes.

And the women of the land, and the women students of St. Andrews—what shall they do? Not wait, as usual, until war has begun, and then, their sympathies aroused, organize innumerable societies for making and sending necessities and even luxuries to the front, or join Red Cross Societies and go themselves to the field, nursing the wounded, that these may the sooner be able to return to the ranks to wound others or be again wounded, or to kill or be killed. The tender chords of sympathy for the injured which grace women and are so easily stirred are always to be cherished, but it may be suggested that were their united voices raised in stern opposition to war before it is declared, urging the offer of arbitration or in earnest remonstrance against refusing it, one day of effort then would prove more effective than months of it after war has begun.

It is certain that if the good people of all parties and creeds, sinking for the time other political questions whenever the issue of war arises, were to demand arbitration, no Government dare refuse. They have it in their power in every emergency to save their country from war and ensure unbroken peace.

If in every constituency there were organized an Arbitration League, consisting of members who agree that arbitration of international disputes must be offered, or accepted by the Government if offered by the adversary, pledging themselves to vote in support of, or in opposition to, political parties according to their action upon this question, it is sur-

prising how soon both parties would accept arbitration as a policy. I know of no work that would prove more fruitful for your country and for the world than this. It is by concentrating upon one issue that great causes are won.

In this holy work of insisting upon arbitration, surely we may expect the men and women of St. Andrews, of all Universities and other educational institutions, of all the churches and of all the professions, to unite and take a prominent part. I quoted the words of Washington at the beginning of this appeal. Let me close by quoting the words of Lincoln. When a young man, employed upon a trading boat, he made a voyage of some weeks' duration upon the Mississippi. He visited a slave market, where men, women and children were not slaughtered, as formerly in war, but were separated and sold from the auction block. His companion tells that after standing for some time Lincoln turned and walked silently away. Lifting his clenched hand, his first words were, "If ever I get a chance, I shall hit this accursed thing hard." Many years passed, during which he never failed to stand forth as the bitter foe of slavery and the champion of the slave. This was for him the paramount issue. He was true to his resolve thruout life, and in the course of events his time came at last. This poor young toiling boatman became President of the United States and was privileged with a stroke of his pen to emancipate the last slaves remaining in the civilized world, four millions in number. He kept the faith, and gave the lesson for all of us in our day, who have still with us war in all its enormity, many of us more or less responsible for it, because we have not hitherto placed it above all other evils and concentrated our efforts sufficiently upon its extinction. Let us resolve like Lincoln, and select man-slaying as our foe, as he did man-

selling. Let us, as he did, subordinate all other public questions to the one overshadowing question, and as he did, stand forth upon all suitable occasions to champion the cause. Let us like him keep the faith, and as his time came, so to us our time will come, and, as it does, let us hit accursed war hard until we drive it from the civilized world, as he did slavery.

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PRO PATRIA PER ORBIS CONCORDIAM

THE RESULTS



OF THE SECOND HAGUE CONFERENCE



D'Estournelles de Constant and David Jayne Hill

DOCUMENT 4, DECEMBER 1907

American Branch of the Association for International Conciliation

Substation 84, New York City

The Executive Committee of the American Branch of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects. The work of the second Hague Conference is widely undervalued, because it has not been clearly understood. Therefore, the authoritative articles by Baron d'Estournelles de Constant, a delegate to the Conference from France, and by the Hon. David Jayne Hill, Ambassador-designate to Germany and a member of the American delegation to the Conference, are of unusual value.

The present document is one of a series published by the American Branch of the International Conciliation. Any one of the documents will be sent postpaid upon receipt of a request addressed to the Secretary of the American Branch of the International Conciliation, Post Office Sub-Station 84, New York, N. Y.

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THE NET RESULT AT THE HAGUE

By DAVID JAYNE HILL

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There are two widely accepted theories with regard to the pacification of the world which tend to belittle the value of the Hague Conferences. One is that permanent peace between the nations is intrinsically impossible, because their vital interests and purposes are in essential conflict, and the love of domination is so strong in human nature that war is certain always to recur in the future as it has in the past. The opposing theory is that universal peace is at once attainable by the mere resolution to abolish war, and that governments have only to agree to maintain peace by referring all their differences to third parties for settlement, binding themselves to abide by their decisions, whatever they may be.

Those who hold the first theory regard international conferences like those that have been held at The Hague as nugatory and superfluous, for the reason that such congresses can add nothing to the motives to refrain from war or to the power to prevent it. On the other hand, those who accept the second theory regard as sterile and derisory all discussions and agreements that do not go to the root of the matter and by one decisive act render war impossible.

Between these two ways of thinking, the Hague Conferences have been saluted with contempt on the one hand, and satire on the other; and have found their friends chiefly among those who consider that education, the perception of the practical value of law, and the gradual subjection of impulse to reason are progressive elements of national development under the laws of social evolution; and who, therefore, simply ask that, as in other spheres of political growth, there may be found in international relations a reasonable rate of progress toward the realization of the great ideals of peace, co-operation, and good will.

Leaving aside the merely theoretical aspects of the subject, let us modestly inquire what are the results of the Second Peace Conference at The Hague?

It is not without significance that, for the first time in the history of the world, the representatives of forty-five independent powers,—diplomats, jurists, and experts in military and naval science,—have been able to meet together in a friendly manner and to discuss without animosity some of the most delicate international questions during more than four months without a rupture of personal or national amity. When it is considered that the Second Peace Conference at The Hague has included nearly every sovereign state,—and all of the greatest importance,—that in many instances the truth has been spoken clearly, earnestly, and sometimes with vivacity; that some of the delegates were but recently arrayed against each other in the heat of battle on sea and land, that others held or represented opinions diametrically opposed, that they were all largely occupied with considering what they might or might not do to one another in the event of a future struggle in which their lives and those of their countrymen would be the pawns, the courtesy, the reasonableness, and the agreement of these gentlemen regarding certain great principles present a commentary on our contemporary civilization and an exposition of its tendencies most gratifying to the moralist and the philanthropist as well as to the jurist and the publicist.

But what has the Second Conference done? It has demonstrated, first of all, not only that a universal congress of this character is possible, but that certain great principles,—or postulates of constructive action, as we may call them,—are now beyond dispute. Among these are the propositions that peace is the normal and war the abnormal condition of civilized nations; that the relations of sovereign states are properly based on principles of justice, and not upon force; that really sovereign states should have equal rights before the bar of international justice, independently of their size or military strength; that disputes between governments should be settled, as far as possible, by judicial methods, and not by war; and that war, if inevitable, is an evil whose disastrous consequences,—especially as regards neutrals, non-combatants, the sick and the wounded,—should by general agreement be reduced to a minimum.

What, then, has the Conference done to give practical effect to these principles? It has concluded thirteen conventions, made two declarations, passed one resolution, emitted five *vœux*,—

which the irreverent characterize as "pious wishes,"—and offered one special recommendation.

As the conventions have not yet been ratified, and the action which the different governments may take regarding them is unknown, it would not be appropriate for a recent delegate to do more than describe them in the most objective manner. It is impossible, therefore, at this time and in this article to attempt an analysis of the motives and policies of the different governments,—interesting as this might be,—in fixing the limitations that have been imposed. It is important to note, however, that, whatever may be the fate of these treaties as respects ratification and subsequent execution, they accurately register the degree of progress which an international conference, seriously and conscientiously aiming at the task of pacification, is now ready to accept.

The work of the Conference not only serves to indicate the exact stage that has been reached in international development,—which has a considerable value for students of the subject,—but it renders apparent what remains to be done in order to carry forward the movement of which it forms a part. That movement cannot be promoted by heaping reproaches upon those powers whose conservatism has prevented a further advance in making definite engagements. Each sovereign state has its own peculiar problems of government, is the rightful judge of its own interests and responsibilities, and cannot justly be placed in the pillory of public condemnation for the attitude which it regards as appropriate to the discharge of its obligations to its constituents. It is by solid argument and by good example, and not by censure, therefore, that international progress is to be promoted. However dear our theories and ideas may be to us as individuals or as nations, the first principle of all harmonious international development is that no sovereign state is to be coerced, and that each shall be permitted to act freely in the light of its interests and responsibilities as it sees them. Progress therefore, can be made no faster than the powers will consent to make it; and that consent will depend in the future, as it has depended in the past, upon educational influence and wise diplomacy. What, then, is the stage of progress actually attained by the Second Peace Conference?

The first convention is a careful revision of the treaty of 1899 for the pacific settlement of international disputes. With regard to good offices and mediation, a slight step forward was taken by the acceptance of the American proposition that the

initiative of powers foreign to the controversy in offering them is not only "useful" but "desirable." Greater precision has been given to the operation of commissions of inquiry, whose great utility has already been tested, but it was decided that the functions of such commissions should be confined to a determination of facts and should not extend to fixing responsibility. As regards arbitration, while it was reasserted that "in questions of a legal character, and especially in the interpretation or application of international conventions, arbitration is recognized by the contracting powers as the most efficacious and at the same time the most equitable means of settling differences that have not been adjusted by diplomacy," and, "in consequence, it would be desirable that, in contentions of this character, the powers should resort to arbitration," it was not found possible to render this resort an obligation.

It is necessary to state, however, that while unanimity upon this proposal was not obtainable,—even for a convention that omitted all questions affecting "the vital interests, independence, or honor" of the contestants and included only a meager list of mainly unimportant subjects,—thirty-two powers voted in favor of it, only nine were opposed, and three abstained from voting. (As practical unanimity was held to be necessary for the inclusion of a convention in the final act, even this very moderate attempt at obligatory arbitration was unfruitful.) Still, as this strong manifestation of a disposition to make a definite engagement could not conveniently be nullified without being in some measure recognized, it was resolved, with four abstentions, that the first commission was:

"Unanimous (1) in recognizing the principle of obligatory arbitration; and (2) in declaring that certain differences, notably those relative to the interpretation and application of conventional stipulations, are susceptible of being submitted to obligatory arbitration without restriction."

Regarding this resolution as a retreat from the more advanced position that had been taken by thirty-two powers, the head of the American delegation clearly explained its attitude and refrained from voting.

It must, in justice, be added that some of the powers voting against an obligatory arbitration convention probably did so chiefly for the purpose of avoiding the isolation of others, and that some of the powers most earnest in opposing the project not only have negotiated special treaties of obligatory arbitration, but declare their intention of negotiating many more. The state of

the question, then, is this: all accept the principle of obligatory arbitration in certain classes of cases, thirty-two powers are prepared to make definite engagements with all the rest, nine prefer to make them only with states on whose responsibility they can rely, and three decline at present to commit themselves.

The second convention relates to the limitation of the employment of force for the collection of contractual debts. The form which this American proposition finally took is sufficiently shown by citing the text of its first article:

The contracting powers are agreed not to have recourse to armed force for the recovery of contractual debts claimed of the government of one country by the government of another country as due to its nationals.

Nevertheless, that agreement will not be valid when the debtor state refuses or leaves without reply an offer of arbitration, or, in case of acceptance, renders impossible the conclusion of a protocol, or, after arbitration, fails to comply with the judgment rendered.

It is also provided that the judgment shall determine the question whether or not the claim is well founded, the amount of the debt, and the time and mode of payment.

It is hardly necessary to point out that this convention is not only a very substantial gain in the process of substituting justice for force in international dealings, but demonstrates a spirit of conciliation and regard for equity in the treatment of the weak by the strong that promises well for the future. Its deep significance for the financial credit and the political security of the smaller states, especially on the American continents, does not require emphasis. Although accompanied with several reserves by certain states which hold that force should in no case be employed for the collection of debts based on contract, and the abstention of six of the smaller European states, the proposition was adopted by the Conference by thirty-nine votes with five abstentions.

The third, fourth, and fifth conventions relate to the opening of hostilities, the laws and customs of war on land, and the rights and duties of neutral powers. The provisions are, in general, in the interest of humanity, and a wider recognition of the world's brotherhood. The sixth, seventh, eighth, and ninth conventions relate to the prosecution of naval warfare.

The acceptance of the American proposition for the immunity of private property of belligerents at sea,—which received twenty-one favorable votes in the Fourth Commission against eleven, and one abstention,—would, no doubt, have radi-

cally affected the substance of this group of conventions; but, being opposed by several of the most important naval powers, it was impossible to obtain for it the necessary support.

As several of these conventions rest upon no general principle whatever, but consist merely of concessions based upon the maritime interests of the powers, no attempt will be made to explain them here; for, in order to comprehend them, it is necessary to refer to the text of articles as interpreted by the *procès-verbaux* of the Conference. The sixth and seventh conventions the American delegation did not sign, partly because they seem to be more oppressive to the rights of private property than the present customary law of nations, and partly because they appear to affect the rights of self-defense, which the United States, as a peaceful nation, has always maintained as correlative to customs of naval warfare which have not yet been abolished. If, on the other hand, the restrictions upon submarine mines do not seem to humanitarians as radical as they would desire it, it must be remembered that nations with long and distant coast-lines exposed to the attacks of powerful navies cannot safely forego the right of self-protection even at considerable risk to peaceful commerce. As respects the bombardment of unfortified places by naval forces, the ninth convention prohibits such forms of attack, except when they contain military material for which surrender has been demanded and refused. 6 + 7

The tenth convention applies the principles of the revised Geneva convention to maritime warfare. The eleventh exempts from capture all postal correspondence, official or private, found at sea on any vessel, neutral or belligerent, as well as the boats of fishermen. The twelfth establishes an International Prize Court, to which appeal may be made from the decision of a belligerent prize court, under certain conditions, either by a neutral power, a neutral private person, or even a private individual belonging to a belligerent power, if the decision of the national tribunal concerns merchandise carried by a neutral ship. The thirteenth convention presents a code of thirty-three articles concerning the rights and duties of neutral powers in case of maritime war. It has not been signed by the American plenipotentiaries, for the reason that it imposes upon neutrals obligations which it might be impracticable for them to discharge. 9

Such are the conventional engagements which the Second Peace Conference at The Hague has proposed to the nations. In addition, it has adopted by twenty-eight votes to eight, with seven abstentions, a declaration prohibiting the throwing of projectiles

and explosives from balloons. In a resolution stating that it is "highly desirable" to see the governments take up the serious study of the continued increase of military charges, it has merely absolved itself from the discussion of a question which it would be powerless to settle, and has thrown the responsibility for examining it upon the separate governments. As no one of them has made a definite proposition to diminish its military strength, it is difficult to see how the Conference could take any other than this purely advisory attitude.

There remain the *Voeux*. These unfulfilled aspirations are confessions that the Conference has had hopes that it could not realize. Foremost among them is the proposed adoption of an elaborate project for the establishment of a Court of Arbitral Justice, not to supersede but to supplement the present Tribunal of Arbitration. Originally suggested in the instructions of the American delegation, its present form is due to the collaboration of the delegates of the United States, Great Britain, and Germany. It is appended textually to the final act, and requires for completion nothing but an agreement for the choice of judges. The serious labor expended upon it is not lost, though its fruits may be late in maturing. It only remains for the powers to take up the project at the proper time through diplomatic channels, and thus carry to completion a great international institution.

The second *Voeu* invites the competent authorities, in case of war, to consider it a special duty to assure and protect pacific relations between the populations of belligerent states and neutral countries. The third proposes that the situation of strangers established in the territory of the powers with regard to military burdens be made the subject of special conventions. The fourth urges the elaboration of a code regarding the laws and customs of naval warfare by the next Conference. Finally, the Third Peace Conference at The Hague is foreshadowed in the recommendation that, after an interval similar to that which has elapsed between the preceding and the recent meeting, a date be fixed for another by common agreement between the powers, that a sufficient notice be given in advance, and that two years before it is convened a special committee shall prepare its program, and be charged with the proposal of its mode of organization and procedure.

Until that time the promotion of the peace and good understanding of the nations will probably be left to the methods of diplomacy. If the task remains difficult and delicate, it should certainly be less so than it was before the Second Peace Conference

convened ; but the experience of that assembly has made it more clearly evident that, as the work of schools and churches does not consist chiefly in educational and ecclesiastical congresses but in the steady, careful, and faithful performance of duty by the rank and file of the teachers and the clergy, so international conferences in the interest of peace and justice owe their fruits mainly to the care, the fidelity, and the competency of statesmen and diplomatists who maintain the daily relations between sovereign states. That this is, in truth, a serious business, affecting the welfare of all mankind, is becoming more evident as the interests of great nations are more and more closely intertwined by the growth of individual and commercial intercourse. Without the previous preparation for the recent Conference by the action of the eminent Secretary of State of the United States, and the ripe experience and high prestige of the ambassadors whom the President sent to The Hague to head the American delegation, it would have been difficult to hold the place there which that delegation has held. If the results of the Conference do not seem brilliant, it is not because noble ideals were not held steadily aloft, but because it is the function of an international conference simply to register the general average of progress that has been attained. However this may be estimated, it represents the materials with which the diplomacy of the future has to deal.

THE RESULTS OF THE SECOND HAGUE CONFERENCE

By BARON d'ESTOURNELLES DE CONSTANT

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During the first two months of the Conference I was continually saying and writing that it would be a great deception, that it would consecrate the largest portion of its time to the amelioration rather than to the prevention of war. In this way I tried to recall to the Conference the requirements of public opinion ; it was my duty and it was in the interest of our work. The Conference had, in fact, begun with the discussion of things relatively secondary, in accordance with the instructions the delegates had received from their governments. But, later on, during the last two months, it awoke, emancipated itself, was in every respect worthy of admi-

ration—this justice I am bound to render to it. Gradually its ambition was aroused, and at length it devoted its energies spontaneously to the second part of its task, that is to say, to the principal program, which it had not anticipated and which it was now obliged to improvise in its conscience. In order to arrive at this stage it was necessary that it should become, in some sort, a new assembly, a more independent assembly, a true moral person, living not only by virtue of the orders which each delegate received from his distant government, but also living its own proper life; it was necessary that it should become not solely an assembly of official representatives from all the states, but the collective representation of humanity.

I cannot in a few lines explain this important phenomenon. I have spoken elsewhere of the potent and benevolent action exercised by M. Léon Bourgeois. I shall have something more to say of it, but today I can only direct attention to the fact that certain functionaries, certain ambassadors who had attained the summit of their career, found at The Hague an opportunity of rising still higher and of bettering and improving one another by the most generous and fruitful of rivalries. And for this very reason, after four months of intense and often excessive and ungrateful labor, all the delegates separated with a mixture of joy and sorrow, glad to be free to see again their country and their homes, but deeply affected by the thought that they were leaving a field of new action in which the seed had been so well sown. The seed, it is true, is still underground, to the great satisfaction of the skeptics, but it will germinate even quicker still than that which was a subject of such mockery in 1899, and which did not at that time appear to have a better chance of successful growth.

The general deception of public opinion is explained by two motives, both to the honor of the Conference.

First, it was not able to discuss the limitation of armaments. This question was not, in fact, on its program. The Conference could not study it, and no international assembly will ever be able to study it until it is the object of preliminary and national study in all the countries interested. A national study first, an international discussion afterward. I have never ceased for a moment to insist on this, and notably in my report to the Interparliamentary Conference of London in 1906. If the Conference had gone beyond this natural order it would have come to nothing; it therefore did well to recall to governments their duty and then pass on to other questions.

I will add that, whatever may be said to the contrary, the dis-

cussion on this question of limitation has not been useless, and, as far as I am concerned, my conscience is tranquil on this subject, for the more it is discussed, as long as it is declared that arbitration must first be organized, the more must the cause of international justice be necessarily served; it is a means of emphasizing more strongly the urgency of this organization. If the Conference had not been obliged to put aside the limitation of armaments it would have been less energetic, perhaps, in seeking a compensation in the study of arbitration.

Secondly, the Conference lasted four months, and yet the results it has achieved have been hardly apparent. That is its greatest merit. An assembly representing the world must surely be congratulated on having preferred the ungrateful preparation of durable solutions to delusive immediate solutions. Who is there, then, that can believe this labor of four months to be lost labor? The Conference has preferred the satisfaction of duty accomplished to the eulogies of the press, always on the lookout for sensational news, and, in the present case, disappointed. Its confidence in the future was so well assured that it did not fear to dictate to the governments themselves the line of conduct they should have to follow. Enlightened by the difficulties of its own task, it has given them its experience as an example. It declared by a solemn decision that it limited its rôle to an action purely transitory, and that a Third Conference was necessary, and that after the Third Conference many others should ensue. Thus, of its own volition, it transformed its exceptional reunion into a simple session—the normal, regular, automatic session of a Parliament of Humanity. It did not fear to add to this declaration a recommendation not less essential—it demanded that the next session should be prepared at least two years in advance.

Is not this a brilliant testimony of confidence? A step forward on the road of universal progress?

How is it possible, moreover, not to admire, as a true revelation, the fact that three hundred delegates from all the states of the world have been able to discuss during four months the gravest, the most delicate questions, questions which no one ventures to touch upon even in a national assembly, and which for this reason were absolutely new? Yet they discussed them in all their details, discussed them thoroughly, with all the vivacity, all the passion, which such subjects entailed, but, nevertheless, without at any time the slightest disorder, the slightest difficulty arising during the discussion. What a clinching argument this is to the objections of those so-called statesmen who claim that the greatest

interests of the world are exactly those which must be most carefully excluded from public discussion!

But, outside the great moral and preparatory results of the Second Conference of The Hague, I could cite a very large number of immediate results that are appreciable. Among the fourteen conventions elaborated and finally signed will be found very numerous dispositions tending to render war at once rarer and more difficult, and at the same time less inhuman. That is something, and I will return to it some other day.

The plan of a court of arbitration was studied at great length and finally elaborated. In the course of the discussion an entirely new principle, that of the moral equality of states, was brought forward. Now, it must surely be admitted that this principle would of itself have merited the examination of a Peace Conference. If it has not been entirely resolved, it is, at least, of great consequence that it has been freely and openly discussed. The governments will in their turn have to study it, and as a logical result, to name the judges of the court. The Conference could not and ought not to take upon itself the solution of this problem. It has laid it down in all its terms; the governments will, in their turn, have to take action.

As to obligatory arbitration, is it nothing, then, to have affirmed its principle as an incontestable progress discussed only in its application? And does any one think that this solemn affirmation is to remain negligible in the eyes of the world, and that the different peoples will not have it recorded, so that they may be able to recall it to their governments at the proper moment? And, besides, as to the question of application itself, thirty-five states out of forty-four have declared themselves ready to favor a general treaty of obligatory arbitration. Quite a mechanism of admirable simplification has been provided and accepted which permits all the states to be inscribed on a central tableau, and to replace by this simple formality an entire inextricable multitude of treaties, all differing from one another. This alone constitutes an innovation in every way worthy of the twentieth century. Who, then, will dare to claim that this agreement of the thirty-five liberal states of the world is without importance, on the pretext that a minority of the Conference refused to accept it, or, at least, to affirm it by a general convention which that minority would alone have refrained from signing?

What does this prove? Simply this fact: The majority exists; it reckons more than three-fourths of the states. The minority took upon itself to prevent this agreement, but, in doing so, it

has emphasized and strengthened it; on the other hand, it has laid bare the opposition of some states—or, more correctly, of a single state, Germany—dragging along with it in its resistance a great power, Austria, with Turkey, Roumania, Greece, Bulgaria, Belgium, Luxembourg and Switzerland.

Yet, and I wish to repeat it, the representative of Germany was careful to state that he stood apart only with regard to the application, but that, as to the principle, he was a partisan of obligatory arbitration.

Thus the world was divided into two camps of very unequal importance. On one side was the mass of the states of the world, great and small, representing progress; on the other, Germany, representing the opposition, but an opposition already hesitating and pleading extenuating circumstances. If we recall the Germany of 1899 and if we note its progress since that epoch, we shall not be very much mistaken in predicting that, between now and the Third Conference, its progress will be even still more rapid and remarkable. Certainly, Germany has advanced very far from her position in 1899; she is still backward in relation to the other Powers, but she will soon wish to catch up with the majority. This will be the result of the Conference of 1907, and particularly the work of the majority, which will have determined the general progress. But for it we should be absorbed in the platonic adoration of the memories of 1899. Today we have thirty-five states out of forty-four demanding the convention of obligatory arbitration which we have drawn up and voted, and which we have only to sign. Even that is something, is it not?

The Americans, in that fine and peaceful discussion of several months, have been splendid, and the youngest of all was certainly my eminent friend, Mr. Choate, who defended, with all the force of his authority and talent, the work of the majority against the criticisms of Baron Marschall. He lost his case, say the ignorant, since the opposition triumphed. Not so; he won it, since he reduced the opposition to its simplest expression, not to say to a simple question of ciphers. "We are thirty-five," he said, "and you? I could count your numbers on a single hand." These words told and will remain. Humanity will not let itself be stopped by a minority of a few votes; or, rather, the minority will be converted.

General Porter, as a faithful soldier, has fought valiantly also: "I have enlisted for the war," said he, "and I will go on even to the end." He had the satisfaction of obtaining an almost unanimous vote from the Conference and of preventing govern-

ments from having recourse henceforth to force for the recovery of debts from a state. It is a result that reflects much honor on the United States and that must give satisfaction to everybody.

I should have liked to say something of the services of Mr. Scott, Mr. Hill, Mr. Buchanan, Mr. Butler, and also of the able representatives of the other republics of America—Mexico, Brazil, Peru, Chile, Argentina, etc., but time does not permit it. I must content myself with declaring that America, as I have been constantly predicting for many years, has, beyond any doubt, saved the Conference. But for America the Conference was lost, cut in two, or, rather, would never have existed.

Thanks to America, a very important article was voted: Article 48, which authorizes governments, in case of disputes, to address the bureau of The Hague directly and demand or propose arbitration. This mechanism has not been even noticed by the press, and yet it will be amply sufficient to put all the resources of arbitration in motion. Previously, when two states had a ground of quarrel, they were obliged to agree together to submit the question to arbitration. And such an agreement between two governments whose relations have become envenomed is almost impossible. Today it is in the power of one of them to make its offer openly, and thus force the second state to accept or decline that offer in presence of public opinion. It is a very great progress, although it may appear almost imperceptible, and henceforth a state that sincerely wishes to avoid war can reply to its aggressor: "*I appeal to the judges of The Hague!*"

Do you believe that the aggressor will be able to answer, "I care nothing for justice," without raising against him the entire public opinion of the world?

To conclude with a brief summary, the Second Conference of The Hague lasted four months, not because it did not effect anything, but because it found an immense field of labor before it. It has been a simple session between the First and Third Conferences, and it is the very modesty of its rôle that in my eyes constitutes the grandeur of its work. It has been only the continuation of the First Conference and the preparation for the Third. It has, in fine, demonstrated the possibility of creating a universal Parliament by its own life and by the very length and regularity of its action.

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The Work of the Second Hague Conference



JAMES BROWN SCOTT

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3 A League of Peace (Address delivered at the University of St. Andrews) by Andrew Carnegie. November 1907

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THE WORK OF THE SECOND HAGUE CONFERENCE

The Second International Peace Conference, like its predecessor of 1899, endeavored to humanize the hardships necessarily incident to war and to substitute for a resort to arms a pacific settlement of international grievances, which, if unsettled, might lead to war or make the maintenance of pacific relations difficult and problematical. The Conference of 1907, no more than its immediate predecessor, satisfied the leaders of humanitarian thought. War was not abolished, nor was peace legislated into existence. Universal disarmament was as unacceptable now as then, and some few nations were still unwilling to bind themselves to refer all international disputes not involving independence, vital interests or national honor, to a court of arbitration.

Deeply interested in the success of these projects, the great public felt that their failure necessarily involved the failure of the Conference, notwithstanding that many wise and humanitarian measures falling short of the goal were incorporated into the law of nations. But we should not in our disappointment, and perhaps bitterness of soul, overlook positive and beneficent progress, and if we could not take the advanced position outlined by the friends of peace, we should nevertheless rejoice that many a mile-stone has been passed. We must not forget that an international conference is different from a parliament; that independent and sovereign nations are not bound by majorities, and that positive results are obtained by compromising upon desirable but perhaps less advanced projects. The aim of a conference is to lay down a law for all, not for the many, much less for the few; to establish a law which will be international because it is accepted and enforced by all nations.

The Development of International Law

The work of the Conference concerned the modification of existing international law; international differences of opinion and interpretation were adjusted; doubt gave place to certainty; and, after much consideration and reflection, principles of international law were fortified, modified in part, or wholly discarded. A complete code was not established—it is doubtful whether custom and usage are ripe for codification—but important topics of international law were given the symmetry and precision of a code.

It may be maintained that international law is law in the strict sense of the word, or it may be contended that it lacks an essential element of law, because there is no international sheriff; that it is in international morality or ethics; or that finally a law of nations is the occupation of the theorist and the hope of the dreamer. However opinions may differ as to the nature of international law, there can be no doubt of the existence of certain rules and regulations which do by common consent control the conduct of independent nations; nor can there be any reasonable doubt that enlightened people of all countries take a deep and abiding interest in international law, and share the hope of the dreamer, not only that greater precision may be given to its principles, but that the principles themselves may be developed and applied with the certainty and precision of a municipal code.

From the cell of the cloister international law passed into the study of the philosopher, the jurist, and the scholar; from the study it entered the cabinets of Europe, and for two centuries and more a recognized system of international law has determined the foreign relations of nations; from the cabinet to courts of justice, where the rights of nations as well as individuals have been debated and enforced; and finally, from the court-room international law has made its way to the people, who, in last resort, dominate court and cabinet, and enlist in their service scholar as well as priest.

It was a wise remark of Sir James Mackintosh that constitutions are not made: they grow; for history demonstrates that unnatural unions dissolve, that unnatural alliances have little permanency, that constitutions struck off at the heat of a moment in times of excitement disappear with the causes to which they owe their origin. Constitutions are, in a large and broad sense of the word, codifications. They put into written and permanent form the usages and customs of the past, and they last because the spirit underlying these usages and customs is wrapped up with the existence and destiny of the people. The Constitution of the United States has lasted, because it was based upon the usages and customs of England, as modified by the experience in the colonies, and the Constitution will last as long as it answers the needs of its framers, and no longer. To understand, however, the Constitution, English customs and usages must be studied, and to predict the lines of development we must interpret the language of the Constitution in the light of its origin, as well as in the concrete case under investigation. It is the same with law. Law is not imposed as a system upon the people. Isolated usage develops into habit; the habit becomes crystalized into custom; and to custom there is given consciously and unconsciously the force of law.

The common law of England is not due to the wisdom of any one person or of any one age. It grew to meet a need; it changed with that need, and disappeared when it could no longer subserve a useful purpose. It is a growth, an organism, not a crystallization.

When, however, the process of development did not keep abreast of the age, or when new and unsuspected needs required special treatment, statutes made their appearance to supply the lack, or to correct the evil. The statute would be special if a special point were involved. The statute would be general in its terms if the evil to be corrected were general, or the need for the statute was of a general, wide-spread nature. The more rapid the development of the country, the greater and more diversified become the needs of an enterprising and progressive community, and consequently the more frequent would be and must be the resort to statutory enactments, in order to safeguard the rights and interests created as the result of changed conditions. Hence, it follows that a system of law in its early stages springs directly out of the needs of the people. If the needs be simple, the law, of which custom is the very life, is simple. It is said to be unwritten in the sense that no custom is at once the law and the evidence, although in process of time the customs are naturally reduced to writing by people learned in customary law, and it is given precision by decrees of courts of justice. Complex situations give rise to a complex system of law, and the natural development of custom not being sufficient, the legislature steps in by statute to accelerate the development and to give to the system of law the precision, the solidity, and the refinement necessary for a complicated and progressive civilization. In this development, then, we have the local usage, the custom, and the statute.

If we turn from the common law to international law, we find that the course of development of the common law of nations has been singularly like that of the common law of England.

We first have the usages of enlightened nations. These usages spread, gain weight and influence by repeated application. We next find that the usages have taken on the form of custom, and nations from isolated or frequent usage regard the custom as binding upon them. That which is claimed as a right on the one side, becomes a duty on the other, for right and duty are correlative. The demand in itself is a consent to the rule of law. The yielding to the demand is an acknowledgment of the rightfulness of the custom.

We thence have customary rules and regulations binding nations in their mutual intercourse, because the nations, either by enforcing the custom or yielding to the custom sought to be enforced, have

given to the custom the weight of law. But just as the common law of England grew slowly, indeed imperceptibly, so have the usages of nations developed slowly and imperceptibly. When nations had little intercourse with one another, the need for a system of law regulating such relations was of little moment. As nations have grown, as they have come into closer contact, as no nation lives and can live in the modern world in a state of isolation, it necessarily follows that the usages and customs of nations must be developed in order adequately to meet changed conditions. The independence of the state is the very postulate of international law; but the solidarity of interest has made itself felt to such a degree that nations have yielded and must in the future yield something of their absolute liberty and independence, just as a citizen yields his absolute freedom for the benefit of society, of which he is a part.

We see, then, from this brief and imperfect sketch of the origin and nature of the common law of one particular jurisdiction, an analogy between the common law of nations, namely, the usage and customs of many nations. We find, or at least we can assume, that when only one nation existed there could be no international law; two nations existing would have comparatively little intercourse and the rules and regulations governing their intercourse would, therefore, be simple. As the two gave place to the many, and as intercourse became very frequent, the need of a more elaborate code would become evident. Usage and custom would grow to meet the need, and in the course of time, insensibly and imperceptibly, usage and custom would take the dimensions of a code. But while that is entirely true generally, it is true with much greater force in the present and, indeed, in the immediate past; for the discovery of the new world, North and South America, and the contest for the possession of this world; the establishment of colonies with the various colonial systems, and the conflicts of interest that necessarily arose, would require a system of law adequate to settle them; and when nations became more closely connected, more intimately and frequently involved, it followed that the simplicity of the earlier usages and customs would either give place to a more complicated code or would themselves be developed in order to meet the growing needs.

Congresses and Treaties

Now, how could this be done? In this way. As nations became more closely united or related, previous usage or custom was found to be inadequate; but the spirit pervading the usage or custom was discovered and developed, precisely as the spirit in the common law

was developed in order to meet a changed condition of affairs. Just as in appropriate cases the municipal legislature stepped in and corrected an abuse or covered a field by statute, conferences were held between rulers, treaties were negotiated to regulate a specific concrete controversy, and, finally congresses, usually not at the beginning but at the end of the controversy, composed of many states, because the interests of many were concerned, were convened in order that that might remain settled in peace which force had been established in war. The conference or congress is, it would seem, not far removed from an international legislature, whose acts are submitted **ad referendum** to the participating nations.

We therefore find that treaties mark the first general step in the development of the law of nations as between nations in recent years, for it is only in the modern world that treaties have gone far to correct inequality and to establish a system of international relations. The special or individual treaties will be comparatively simple in the principles of law announced or defined—although complicated in other respects. When the many were involved, a congress or conference came naturally into being, with the result that in this conference the questions causing the conflict would be considered and regulated, in the hope to prevent a recurrence of the conflict. The conferences and congresses were at the conclusion of a dispute. The appeal was indeed to reason, but it was unfortunately belated. Interesting examples of the post-mortem appeal to reason are furnished by the Treaty of Westphalia (1648), the Congress of Vienna (1814-15), the Congress of Berlin (1878). The Treaty of Westphalia was negotiated by representatives of the states engaged in the Thirty Years' War and the state of affairs established was hoped to be durable.

Passing over the conferences and treaties concluding the wars of Louis XIV.—of which the various treaties of Utrecht of 1713-1714 were the most important and far reaching in detail as well as in principle—we come to the Congress of Vienna which attempted, by a rigid and thorough application of the principle of legitimacy, to reconstruct Europe upon permanent lines after the crash of the French Revolution and the downfall of Napoleon. The great Powers agreed among themselves and legislated for the rest of Europe. The work, therefore, was largely political, but as all were concerned all were present or bound by the determinations of the Congress. It was pre-eminently a war conference, but it established peace—a peace which lasted for many years. At the same time its deliberations took the form of a general statute concerning river navigation, the rank

of ambassadors, and the slave-trade. Criticise the Congress of Vienna as we may, its work was not only of fundamental importance but pointed the way to a better and brighter day.

Although it cannot be denied that the Congress of Paris in 1856 was a war conference, its work was not wholly taken up with the issues of war. The Declaration of Paris, for example, was much more general and touched interests which, while involved in the conflict, were of wider importance than the immediate interests that led to the war or were safeguarded by the conclusion of peace. It is also true that the Congress of Berlin, in 1878, was a war congress, but it dealt particularly and largely with the Balkan Peninsula and set up a state of affairs which, while changed in part, is nevertheless the basis of order in Eastern Europe.

But alongside of these larger gatherings there were smaller meetings that have profoundly influenced the future. For example, an enthusiast in Switzerland interested countries in the treatment of sick and wounded, and you have the first Geneva Convention of 1864—the Red Cross Convention, as we call it—to ameliorate the condition of the sick and wounded upon the field of battle. The convention did not come at the very end of a war; it was assembled by reason of the horrors of the war of 1859, between France and Italy against Austria. In 1868, the additional articles of the Convention of Geneva were drawn up in conference, and there was no immediate war that had caused the conference to assemble. The purport of these articles was to apply to naval warfare the principles of the Geneva Convention of 1864.

In 1868, the Czar of Russia, Alexander II., called a conference in order to consider whether or not the means of warfare might not be humanized; whether the use of certain instruments in warfare, or instruments of a certain kind, should be prohibited; whether bullets of a certain weight, of a certain explosive quality, should not be prohibited, and there was drawn up the Declaration of St. Petersburg. It is true that the declaration contemplated, but was not preceded by, a war.

The various congresses and conferences referred to were summoned by the rulers and nations of Europe, and both in their calling and in their results indicated an advance in public opinion. Public opinion, however, was not content to entrust itself wholly to nations and their rulers, but sought expression in individual and co-operative lines.

In 1873, the Institute of International Law was established at Brussels, composed of distinguished jurists and authorities on inter-

national law. Their purpose was not merely to study the problems of international law, but to advance the science by an appeal to reason. They considered the field of international law from the standpoint of theory and sought by example and precept to aid the codification of a rational system of international law. International law had thus a society whose proceedings should appear annually. It already had a journal, for in 1869 three enthusiasts, Rolin-Jaequemyns, Asser and Westlake, established the *Revue de droit international et de législation comparée*. The Institute met annually and issued its annual. The Review discussed scientifically and at length important questions of international law, and, little by little, the influence of the Institute and the Review extended beyond the immediate country of publication and beyond the language in which the proceedings and the articles were written. A great movement looking toward advance in international lines was begun, and in reality the great call of the Czar for the Conference of 1899, the first Hague Conference, was simply, paradoxical as it may seem, the substitution of national or international effort for the individual or socialized effort of the founders of the Institute of International Law.

The First Hague Conference

In 1898 the Czar Nicholas called the First Peace Conference, designed chiefly, it would seem, to free nations from the burden of the constantly increasing armament—to bring about disarmament. The circular astonished the diplomats; it was not favorably received in many quarters. Thereupon a new circular was prepared enlarging the scope, relegating disarmament to a less important position, but enlarging the scope of the program, or of the invitation, by including the consideration of various methods by which arbitration might be advanced and the peaceful solution of international difficulties made the rule. This second circular was much better received, and on the 18th day of May, 1899, the First Peace Conference of this modern world, without a war as its immediate cause, met at the House in the Woods at The Hague, for the purely academic consideration of very great and important international questions.

As an understanding of the work of the First Conference is necessary to an appreciation of the work of the Second Conference, the results of the deliberations of the First Conference are briefly set forth.

The work, then, of this conference took shape in three great conventions. The first was the convention for the peaceful settlement of international conflicts, which convention established: first,

the right of nations to offer their good offices and mediation without having the offer or mediation considered as an unfriendly act by either or any of the contending parties; second, a commission of inquiry to ascertain the facts of an international difficulty of great and serious importance, so that the facts involved might be found impartially by a commission composed of neutrals as well as nationals. We all recall the Dogger Bank incident in Admiral Rojesvsky's remarkable tour of the world. Japanese vessels were supposed to be lying in wait in the North Sea. The Russian squadron opened fire. It is not related that any Japanese vessels were sunk, but certain English fishing smacks were injured and lives were lost. It is difficult to appreciate the state of mind of the Russian admiral, because one would not expect to find Japanese cruisers in the North Sea, or if one did find such cruisers, the fact of their presence would be well known. However, the Russian authorities maintained that they felt the presence of the enemy, whether through a mistake of signalling or not; fire was opened and lives were lost. Were it not well established, this would be unbelievable; but it happened. And the next step was not an unbelievable one—the next step was war. Wars have arisen for less cause than that. The national honor of both countries was involved. Great Britain could not allow its subjects to be shot with impunity; Russia could not well consent to discipline its naval authorities without an investigation. Now, an investigation to be valuable must be impartial, must be conducted more or less by neutrals, and for the first time the provisions of the convention for the peaceful solution of international conflicts in the matter of commissions of inquiry were used. A report was made by this board finding the attack unjustified, and Russia settled the damages awarded. Rulers of nations and their responsible governments often seek to avoid war but are frequently unable to do so. Therefore, this machinery was a God-send by which a bitter dispute between two countries concerning a matter of fact might be referred to an impartial board for examination and report. Without expressing any opinion, let me call your attention to the causes, at least to an incident, if it were not a cause, which preceded the Spanish-American War—the blowing up of the Maine in Havana Harbor. Was it blown up from within or without? An international board never considered the question. An American board did consider the question. The public passions were inflamed and we rushed headlong into war. If this international commission had existed at that time, the President of the United States would have been in an intrenched position, for he could have insisted that this matter, being a question

of fact, be submitted to a commission already known and ready for constitution under rules of procedure accepted by civilized nations. I cannot say that the Spanish-American War would not have taken place. I am not a prophet either as to future events or as to events of the past, but I do maintain that those clauses would have made the outbreak of war much more difficult, and that, therefore, the establishment of a commission of inquiry is a great advance for the cause of peace.

Third, the convention for the pacific solution of international conflicts provided a court of arbitration. Perhaps I would better say, provided for a court of international arbitration, because that court was to be created when the international controversy arose. Each nation was to select and appoint, and notify to a board created at The Hague, not more than four persons of good moral character and competent in international law. In case of a conflict each party was to select one or more from this list of judges. The judges were to elect their umpire, their presiding officer, or the nations were to provide otherwise for the selection of the umpire. In order that the tribunal thus constituted might be of service and in order that litigants might know the exact procedure to be followed before it, an elaborate system of procedure was drawn up and approved. Since the meeting of the First Hague Conference, four great and important cases have been submitted to The Hague Tribunal, have been adjudicated and the judgments cheerfully and promptly accepted by the litigating nations. Nations appeared before the bar as suitors and resorted to law instead of force. The court has not, however, been so successful as its framers hoped, largely because it is not a court permanently in session composed of judges or jurists acting under a sense of judicial responsibility. The fear of partiality in a court constituted by the suitors for a particular purpose, with judges chosen and paid by the litigants, would seem to account for the partial success, if not failure, of the institution.

The second great convention of the First Conference was the convention for the adaptation of the Red Cross to maritime warfare. That, of course, is a technical subject, but even the layman can see what a great advance it was to have the humane principles of the Geneva Convention of 1864 and the additional articles of 1868 applied to maritime warfare as well as land warfare.

The third great convention was the codification of the laws and customs of land warfare, which, composed by experts, assumed the proportions of an elaborate code. While based upon the Laws and Customs of War, adopted by the Conference of Brussels (August 27,

1874), the declaration of Brussels drew its life and spirit from Dr. Francis Lieber's Instructions for the Government of Armies in the Field, known in army circles as General Orders No. 100 of 1863. The United States may therefore claim not a little proprietary interest in the great convention of 1899.

Such is, in brief, the outline of the work of the First Hague Conference. Misunderstood at the time, subjected to ridicule by reformer as well as reactionary, the Conference is now looked upon at once as the starting point and the center of international progress.

Two-Fold Work of the Second Conference

The work of the Second Conference, for which the year 1907 will be memorable, was two-fold. First, it revised and enlarged the conventions of 1899 in the light of experience, in the light of practice as well as of theory, and put them forth to the world in a new and modified form. In the next place the Conference did not limit itself to these subjects. To the three conventions of 1899, revised in 1907, were added ten new conventions. This simple statement shows the enormous field covered and the positive results achieved by the second conference within the comparatively short period of four months. Tried by the standards of results, the conference clearly justified its existence, but it would have been a success had it demonstrated nothing more than the possibility of the representatives of forty-four nations to live in peace and quiet during four months. If it had done nothing more than to bring these representatives into close contact to learn to understand one another's needs by understanding one another, the conference would have been a success.

But we cannot content ourselves with a mere statement of results, for the conference must rise or fall not by the amount accomplished, not by the number of conventions negotiated and signed, but by their value and importance. As the various conventions, declarations, resolutions, and *vœux* of the conference have been incorporated in the Acte Final and arranged in what seemed to the conference their order of importance, it appears advisable to discuss the various results of the conference in the order established by the Acte Final. Perhaps a word of explanation is necessary as to the Acte Final itself. It states the calling of the convention and enumerates the countries and their delegates taking part in the conference. But the Acte Final is not a convention; it is rather a solemn statement of what was done, a summary or résumé of results indicated by the names and titles of the conventions, to be followed by the text in separate form.

The Preamble of the Acte Final states:

"The Second International Conference of Peace, proposed by the President of the United States of America, having been, upon the States of America," etc. The Final Act then continues. In a series of invitation of His Majesty the Emperor of All the Russias, convoked by Her Majesty the Queen of the Netherlands, met, on the fifteenth day of June, nineteen hundred and seven, at The Hague, in the Hall of Knights, in order to give a further and new development to the humanitarian principles which served as a basis for the first conference of 1899. The Powers, hereafter enumerated, took part in the conference and designated as their delegates the following: Germany [arranged according to the alphabet in French], the United States of America," etc. The Final Act then continues, "In a series of October, nineteen hundred and seven, in which the delegates have constantly been animated by the desire to realize in the largest measure possible the generous views of the August Initiator of the Conference and the intentions of their Governments. . . ." The Conference adopted, "to be submitted to the signatures of the plenipotentiaries, the texts of conventions and of the declaration herein-after enumerated and annexed to the Present Act."

An examination of the text of the preamble of the *Acte Final* clearly indicates that the conference was called by President Roosevelt. It is common knowledge that Russia was not in a position to call the conference during two eventful years. Time was slipping by and those who believed in conferences were anxious that a new conference should meet in order to take up the work outlined but left undone at the first conference. Therefore, President Roosevelt sent a circular to the various Powers outlining a programme and requesting an expression of opinion as to the advisability of such a conference and assent to participation in it. The responses were favorable and it seemed not unlikely that the conference would meet under the auspices of President Roosevelt. However, a representative of Russia waited upon the President and requested that the initiative be transferred from the United States to the Czar, inasmuch as the Czar had called into being not merely the first conference but the idea of the conference. With that chivalry which is characteristic of the President, he immediately yielded the initiative to the Emperor of Russia, the "August Initiator," as he is called, and the conference was convoked by the Queen of Holland upon the invitation of the Czar. The United States was, however, unwilling that only a part of the world should be represented. Appropriate steps were therefore taken for the admission of Latin America, and assent was obtained by diplomatic correspondence. Two of the three conventions of 1899 were

open, that is to say, the non-signatory states were invited to sign, and upon signing, to assume the obligations and benefits under the conventions. The convention for the peaceful regulation of international conflicts was a closed convention and the assent of the Powers was necessary in order that the Latin American States might be permitted to sign. The reason for this was that while the Powers represented at the first conference were willing to arbitrate and to enter into certain relations with the states represented at the first conference, they were unwilling to contract generally. As one of the delegates said at the second convention, he was unwilling to open his door to any newcomer who chose to knock. No objection was made, however, to the adhesion of the Latin-American States, and on the 14th day of June, 1907, consent to their adhesion was formally given.

In all, forty-four states were represented at the conference and forty-four states answered the roll-call. Two states of Latin-America were not represented, Costa Rica and Honduras. The former approved of the conference and adhered to the conventions, but was not represented. The absence of Honduras was explained by the recent revolution, which paralyzed its efforts. The restoration of peace led to an application to be admitted and the application was favorably acted upon. Delegates were appointed but they did not arrive in time to participate in the work of the conference.

The First Convention

Following, then, the order of the Acte Final, the first is the convention for the pacific solution of international conflicts, the nature of which has been sufficiently explained.

It should be said, however, that the commission of inquiry was much enlarged in the light of the experience—experience gained in the Dogger Bank incident, previously referred to. The language of the convention was carefully revised, provisions were given greater clearness, and a few sections added on summary procedure. The great frame-work of 1899 was untouched; for the additions of 1907 do not change the nature of the structure, although the architects of 1907 would doubtless pronounce the additions to be undoubted improvements.

The Second Convention

The second is the convention restricting the use of force for the recovery of contract debts. This was introduced by the American Delegation, loyally and devotedly seconded by Dr. Drago, who has

battled for the doctrine to which he has given his name. Without the support of Dr. Drago, it is doubtful if Latin America—for whose benefit it was introduced—would have voted for this very important doctrine. The proposition is very short: it consists of but three articles, but we must not measure things by their size. In full it is as follows:

“In order to avoid between nations armed conflicts of a purely pecuniary origin arising from contractual debts claimed from the government of one country by the government of another country to be due to its nationals, the contracting Powers agree not to have recourse to armed force for the collection of such contractual debts.

“However, this stipulation shall not be applicable when the debtor State refuses or leaves unanswered an offer to arbitrate, or, in case of acceptance, makes it impossible to formulate the terms of submission, or after arbitration, fails to comply with the award rendered.

“It is further agreed that arbitration here contemplated shall be in conformity, as to procedure, with Title IV., Chapter III. of the Convention for the Pacific Settlement of International Disputes adopted at The Hague, and that it shall determine, in so far as there shall be no agreement between the parties, the justice and the amount of the debt, the time and mode of payment thereof.”

In commenting upon the convention, President Roosevelt wisely and truly said that “such a provision would have prevented much injustice and extortion in the past.” It is emphatically a peace-measure, for the creditor renounces force and binds himself to submit his claim to arbitration. Pressure is thus brought upon the debtor to accept arbitration or take the consequences of a refusal. It should not be overlooked that these three paragraphs will banish foreign fleets from American waters, and American ports are not likely again to be blockaded, as in the past, for the collection of contract debts due from one government to citizens of the blockading nation. The Monroe Doctrine has made its first and formal entry into the public law of Europe as well as America.

The Third Convention

The third convention relates to the opening of hostilities and provides, in Article I., that the Contracting Powers recognize that hostilities between them should not commence without notice, which shall be either in the form of a formal declaration of war or of an ultimatum in the nature of a declaration of conditional war. This is to protect belligerents from surprise and bad faith. Article II. is

meant to safeguard the rights of neutrals. The state of war should be notified without delay to neutral Powers, and shall only affect them after the receipt of a notification, which may be sent even by telegram. However, neutral Powers cannot invoke the benefit of the absence of notification if it is established that the neutral Powers know that war actually exists. Those two articles mean that while the nations should declare war before engaging in hostilities, although they may perhaps rush into war without notification, neutrals are not to be subjected to the burdens of war until they have been fully notified and are, therefore, able to take the proper steps and measures to preserve their interests.

The Fourth Convention

The fourth convention concerns the Laws and Customs of Land Warfare. This has been previously stated to be a revision of the convention of 1899. It is highly technical and codifies in a humanitarian spirit the warfare of the present.

The Fifth Convention

The fifth convention attempts to regulate the rights and duties of neutral powers and of neutral persons in case of land warfare. Short, but important, its guiding spirit is expressed in the opening paragraph of the preamble, namely, to render more certain the rights and duties of neutral powers in case of warfare upon land and to regulate the situation of belligerent refugees in neutral territory. The framers of the convention felt that it was but a fragment, but would at least define neutrality until it might be possible to regulate as a whole the situation of neutrals in their relation to belligerents. The nature of the convention is thus evident. Its further definition would involve us in technical details.

The Sixth Convention

The sixth is the convention concerning enemy merchant ships found in enemy ports or upon the high seas at the outbreak of hostilities. Custom forbids the capture of enemy vessels within the port of the enemy on the outbreak of hostilities and allows them a limited time to discharge or load their cargo and depart for their port of destination. The attempt was made to establish this custom or privilege as a right. The proposition, however, met with serious opposition and, instead of the right, the convention states that it is desirable that enemy ships be permitted freely to leave the port. The convention, therefore, was restrictive rather than declaratory of existing international practice. The same might be said of another provision

of the convention concerning the treatment of enemy merchant ships upon the high seas. It may be said that the expression of a desire is tantamount to a positive declaration, but, strictly construed, the convention is not progressive. It lessens rights acquired by custom and usage, although it does, indeed, render the privilege granted universal. The American delegation, therefore, refrained from signing the convention.

The Seventh Convention

The seventh convention deals with the transformation of merchant ships into ships of war, and it must be said that the positive results of this convention are of little or no practical value. The burning question was whether merchant ships might be transformed into men-of-war upon the high seas. As the transformation of merchant vessels into war vessels upon the high seas caused an international commotion during the recent Russo-Japanese War, Great Britain and the United States insisted that the transfer should only be allowed within the territorial jurisdiction of the transforming power. Some of the continental states, on the contrary, refused to renounce the exercise of the alleged right. The great maritime states were thus divided and as the question was too simple and too plain to admit of compromise, it was agreed to drop it entirely for the present. In order, however, that something might remain of the careful and elaborate discussions of the subject, a series of regulations was drawn up regarding the transformation of merchant ships into vessels of war, declaratory of international custom. For example: The vessel transformed should be placed under the direct and immediate control and responsibility of the power whose flag it bore; that the vessel must bear the outward signs of a man-of-war; that the commander should be in the service of the state and duly commissioned; that his name should appear upon the list of officers of the navy; that the crew should be submitted to military discipline; that the vessel in its operations should conform itself to the customs of war; and that the transforming nation should notify, as soon as possible, the transformation of the merchant vessel. It will be seen that all references to the place of transformation was thus carefully eliminated and a series of unobjectionable and unquestionable resolutions declaratory of the international custom and practice was adopted. Indirectly, the rightfulness or wrongfulness of privateering was concerned, and inasmuch as the United States would not consent to abolish privateering unless the immunity of private property be safeguarded, the American delegation abstained from signing the convention.

The Eighth Convention

The eighth convention relates to the placing of submarine automatic mines of contact, a subject of present interest in which both belligerents and neutrals are deeply concerned. The interest of the belligerents is special; the interest of the neutral is very general. Warfare permits belligerents to attack and to destroy each other in order to bring about a state of calm and repose which we call peace, but the action of the belligerent should be confined to the belligerents themselves. Neutrals should be, as far as possible, unaffected. Mines break from their moorings and endanger neutral life and property. The Conference, therefore, desires to regulate the use of mines in such a way as not to deprive the belligerents of a recognized and legitimate means of warfare, but to restrict, as far as possible, the damage to the immediate belligerents. The following articles were therefore agreed to:

"Article 1. It is forbidden: 1. to use unanchored automatic contact mines, unless they are so constructed as to become innocuous at the latest one hour after control over them has been lost; 2. to place anchored automatic contact mines which do not become innocuous on carrying away their moorings; 3. to use torpedoes which do not become innocuous when they have missed their target.

"Article 2. It is forbidden to place automatic contact mines in front of the coasts and ports of the adversary with the sole object of intercepting commercial navigation.

"Article 3. When anchored automatic contact mines are used, all possible precautions should be taken for the safety of public navigation.

"The belligerents engage, as far as possible, to provide that these mines shall become innocuous after a limited period of time, and in case they cease to be guarded, to give notice of the dangerous localities, as soon as military exigencies permit, by a notice to shipping which will also be communicated to the governments through diplomatic channels.

"Article 4. Any neutral power which places automatic contact mines in front of its coasts, must observe the same rules and take the same precautions as those which are imposed upon belligerents.

"The neutral powers must make known to shipping, by previous notice, the regions where automatic contact mines are to be moored. This notice must be communicated speedily, as urgent, to the governments through diplomatic channels.

"Article 5. At the close of the war, the contracting powers engage to do everything in their power to remove, each for himself, the mines which it has placed.

"As to anchored automatic contact mines which one of the belligerents has placed along the coasts of the other, their situation shall be indicated by the power that has placed them to the other party and each power shall proceed in the shortest possible time to remove the mines which are found in its waters.

"Article 6. The signatory states which are not yet provided with improved mines, such as are required by this regulation, and which consequently cannot actually conform to the rules established by articles 1 and 3, agree to transform, as soon as possible, their mines, so as to comply with the prescriptions mentioned above.

"Article 7. The stipulations of the present regulation are concluded for the duration of seven years or until the end of the Third Peace Conference, if this date is prior.

"The contracting powers engage to consider again the question of the use of submarine automatic contact mines six months before the expiration of the period of the seven years, in case it has not been again taken up and decided by the Third Conference of Peace at a previous date.

"In the absence of the stipulations of a new Convention, the present regulation shall continue in force, unless this Convention is denounced. The denunciation shall not take effect (with regard to the notifying power) until six months after the notification."

It was sought, notably by Great Britain, to prevent any nation from placing submarine mines beyond its territorial waters, namely, the three-mile limit. It was objected to this that while the offensive use of mines might be limited, it was inadvisable, perhaps unreasonable, at the present time to limit the defensive use of mines. In one case the mines would be used as a means of attack; in the second place as a defense against aggression. The latter view commended itself to the Conference, and, after much discussion, it was agreed not to introduce into the convention any provision on the subject.

The Ninth Convention

The ninth convention forbade the bombardment by naval forces of undefended harbors, villages, towns, or buildings. The presence, however, of military stores would permit bombardment of such ports for the sole purpose of destroying the stores, provided they were not destroyed or delivered up upon request. Notice, however, should be given of the intention to bombard. In like manner, the convention permitted the bombardment of such undefended places if provisions were not supplied upon requisition to the naval force. Bombardment, however, was not allowed for the collection of mere

money contributions. It should be said that unoffending property was not to be bombarded or destroyed, and buildings and institutions devoted to a religious, scientific or charitable purpose were expressly excluded from attack.

This convention will undoubtedly subserve a useful purpose and clear up a doubt which seems to have existed. The weight of opinion forbade the bombardment of undefended ports. The fear, however, that such ports might be attacked and held in order to enforce submission, rendered a convention on this subject, even although declaratory of international usage and custom, of no little moment. We all remember the Spanish-American war and the constant fear, however unfounded, that the Atlantic Coast might be bombarded by the Spanish fleet.

The Tenth Convention

The tenth convention adapted the principles of the Geneva convention of 1906 to maritime warfare. It is not necessary to describe this admirable document in detail. We are familiar with the Red Cross and its work, and there exists absolute unanimity of opinion that the sick and wounded upon the battlefield or upon the high seas should be cared for irrespective of nationality. Humanity demands it and this demand has been carefully complied with. A word of history may, however, be permitted. The first Geneva convention, dealing with land warfare, was drawn up in 1864. The additional articles of 1868 extending the principles of land warfare to naval warfare, failed of adoption. In 1899 the additional articles were made the basis of a convention dealing with this question adopted at the First Hague Convention. Warfare, however, had changed since 1864 and it was felt that the provisions of the Geneva Convention of 1864 should keep pace with the changed conditions, so in 1906 the Geneva Convention of 1864 was revised and the present Conference adapted the provisions of this revised convention of 1906 to naval warfare. It is not necessary to enlarge upon the importance of this convention. We understand it and are proud of the progress it marks, in succoring the sick and the wounded and mitigating in their extreme rigor the evils necessarily incident to war.

The Eleventh Convention

The eleventh convention relates to certain restrictions in the exercise of the right of capture in maritime war. It is a modest document, but is all that was saved from the wreck of the immunity of private property. The American delegation urged the abolition of the right of capture of unoffending enemy private property upon

the high seas, but great maritime powers such as Great Britain, France, Russia and Japan were unwilling to relinquish this means of bringing the enemy to terms. A convention negotiated by Powers having no great maritime interest might be a moral victory; it would not be of practical importance except as embodying in conventional form the advanced and radical views of this subject. But to return to the present convention. Chapter 1 deals with mail ships and grants immunity to the ship itself and the mail upon it if not directed to or coming from a blockaded port. Chapter 2 frees from capture fishing smacks devoted solely to costal fishing and small vessels engaged in local navigation. It is pleasing to note that the Conference made the basis of its action the decision of the Supreme Court of the United States in the well-known case of *The Paquete Habana*, 1899, 175 U. S. 677. Chapter 3 regulated the legal condition of the crew of an enemy merchant vessel by providing that subjects of neutral states were exempt from capture and that subjects of the enemy state were likewise exempt from capture, provided they gave an oath not to serve during the continuance of the war. These provisions are indeed modest when we consider the vast subject involved. They are, however, humanitarian, and therefore to be commended.

The Twelfth Convention

The twelfth convention sought to establish an international court of prize, and there only remains the ratification of this convention by the contracting powers in order to call into being this great and beneficent institution. For years, enlightened opinion has protested against the right of belligerents to pass judgment upon the lawfulness of the capture of neutral property, and it is a pleasure to be able to state that the interests of the neutrals in the neutral prize are henceforward to be placed in the hands of neutral judges with a representation of the belligerents in order that the rights of all concerned may be carefully weighed and considered.

It is understood that Norway intended to present a project for the establishment of a court of prize. It is a fact that both Germany and Great Britain presented a project for the establishment of a prize court at the first business session of the Conference. The projects, however, were widely divergent. In one, the continental idea prevailed; in the other, the Anglo-Saxon idea dominated. It was impossible to convince either of the advantage of the other plan. Matters were at a standstill, when the American delegation, through Mr. Choate, proposed a basis of compromise which, accepted by both, resulted in the establishment of the court.

The provisions of this convention are technical and detailed, must be the case in which an institution is to be created and its jurisdiction and procedure confined within the compass of a single document. It is impossible, therefore, to discuss it at any length, but it would be unworthy of the subject if mention were not made of its salient features. In the first place, national prize courts are to officiate as in times past. One appeal is allowed from a national court to a higher court of the captor's country. Thereupon, at the expiration of two years an appeal may be taken directly from the national court and the case transferred from the national court to the international prize court at The Hague. This court thereupon becomes seized of the law and the facts involved in the case and the decision pronounced becomes final and binding upon the litigant parties.

It should be stated that while the prize court is chiefly a court for nations instead of for individuals, still the individual suitor, unless expressly prohibited by his country, may himself appeal and transfer the case, should his country be indisposed to appear before the bar as his representative. It may not be inappropriate to state that the institution of the court is in itself a recognition of the fact that the individual is not without standing in modern international law.

In discussing the matter of the prize court, President Roosevelt aptly said, in his recent message:

"Anyone who recalls the injustices under which this country suffered as a neutral power during the early part of the last century cannot fail to see in this provision for an international prize court the great advance which the world is making towards the substitution of the rule of reason and justice in place of simple force. Not only will the international prize court be the means of protecting the interests of neutrals, but it is in itself a step towards the creation of the more general court for the hearing of international controversies to which reference has just been made. The organization and action of such a prize court cannot fail to accustom the different countries to the submission of international questions to the decision of an international tribunal, and we may confidently expect the results of such submission to bring about a general agreement upon the enlargement of the practice."

The Thirteenth Convention

The thirteenth convention concerns and seeks to regulate the rights and duties of neutral powers in case of maritime war. This is an elaborate codification of the rights and duties of neutrals in which

the Conference essayed to generalize and define on the one hand the rights of neutrals and the correlative duties of the belligerents, and in the second place to set forth in detail the duties of neutrals, thus safeguarding the rights of belligerents in certain phases of maritime warfare. The belligerents are forbidden to commit hostilities within the territory or the territorial waters of neutrals and are forbidden to make a neutral port or neutral territory the basis of naval operations; the neutral is likewise forbidden to permit such conduct. The belligerent is forbidden to equip, provision, or to procure ammunition for a war-like purpose within neutral ports, and the neutral is required to prevent such use of its territory. The enemy men-of-war are forbidden to remain beyond a certain period in neutral harbors. If vessels of the other enemy be present, the order in which the vessels shall leave is prescribed, so that hostilities may not begin within neutral jurisdiction. There are other and important provisions in the convention which aim to codify existing custom, with the addition of provisions thought to be necessary or highly desirable. The result, however, was unsatisfactory to some of the larger maritime powers which prefer their present regulations on the subject of neutrality or which were willing to accept the modifications proposed. For this reason the United States, Great Britain, and Japan abstained from signing the convention.

The Fourteenth Convention

The fourteenth convention—in reality a declaration—is a re-enactment of the declaration of 1899 forbidding the launching of projectiles and explosives from balloons. The original declaration was agreed to for a period of five years, and as this period had expired the powers were without a regulation on the subject. The re-enactment provided that the present declaration shall extend, not merely for a period of five years, but to the end of the Third Conference of Peace. It is difficult to say whether the declaration is important or not. It is, however, evidence of the fact that the Conference believed that land and water offer a sufficient field for warfare without extending it to a newer element, the air.

Summary of the Conventions

Such is, in brief, the content of the fourteen conventions, including a declaration, previously enumerated. The *Acte Final* then passes to the less formal results. "The Conference, inspired by the spirit of compromise and reciprocal concession which pervades its deliberations, adopted the following declarations which, reserving to

each of the represented Powers the benefit of its votes, allows them to affirm the principles which they consider as unanimously recognized.

"It is unanimous: (1) In accepting the principle for obligatory arbitration; (2) In declaring that certain differences, and notably those relating to the interpretation and application of international conventional stipulations, are susceptible of being submitted to obligatory arbitration without any restriction."

It was a matter of great regret to the thirty-two Powers voting in behalf of a general treaty of obligatory arbitration, against which there were only nine votes recorded, that the opponents of this great and beneficent measure stood upon the rights of the minority to block the will of the majority; but as Germany and Austria refused to yield to the majority, and as an attempt to sign a special convention dealing with the subject, to be binding only on those who voted for it, would have created bitterness of feeling within and without the Conference, it was deemed in the interest of international peace and good understanding to adopt the principle in the abstract without seeking to incorporate it in the concrete form of a convention. The future, however, is very bright. There is no reason to prevent the thirty-two Powers to negotiate individual and separate treaties and thus accomplish indirectly and beyond the confines of The Hague what might and would have been accomplished but for the determined opposition of two great but unconverted Powers.

Resolution Regarding Military Burdens

In the next place, to continue the reading of the Acte Final, the Conference adopted unanimously the following resolution:

"The Second Conference of Peace re-affirms the resolution adopted by the Conference of 1899 regarding the limitation of military charges, and considers that these military burdens have considerably increased in almost all the countries since the last date. The Conference declares that it is especially to be desired that the governments should undertake again the serious study of this question."

The friends of peace regarded the failure to limit the burden of armaments as a misfortune. There is much, however, to be said for the haste that makes slowly. The problem of disarmament or limitation of armaments is a very serious one. It is much more serious than the pacifists would have us believe. Shall all disarm at one and the same time? If that were possible we could solve the question at once; but the fear that some may not disarm while others do, and the further fear that the large Powers have not really lost the appetite

for the weaker, must make one pause. Germany consented to the passage of the resolution, Great Britain supported it, and, in accordance with direct instructions from the Secretary of State, the American delegation voted for the measure.

Recommendation of the Establishment of a Court of Arbitration

The Acte Final then proceeds to enumerate five recommendations, the first and last of which should be discussed.

"The Conference recommends to the signatory powers the adoption of the project hereunto annexed of a convention for the establishment of a court of arbitral justice, and its putting into effect as soon as an agreement shall have been reached as to the choice of the judges and the constitution of the court."

The project referred to as annexed and made a part of the recommendation is a careful convention consisting of thirty-five articles, providing for the organization, jurisdiction and procedure of a permanent court of arbitration, composed of permanent judges, versed in the existing systems of law of the modern civilized world. The Conference was unable to agree upon the precise method of appointing the judges for the court, but recommended that this court be established upon the basis of the project approved by it and annexed to the recommendation as soon as the signatory Powers should agree upon the method of appointing judges. The number of Powers necessary is not specified, nor is the number of judges determined, as in the Court of Prize. It therefore follows that any number of Powers may agree to make the project the basis of the court and the court is established. It would thus seem that we are in the presence of the realization of centuries of hope.

The fate of the court was long in suspense. The opposition to it was bitter at times. It was more difficult to carry than the prize court, because there was no international court of prize, whereas there is a permanent court of arbitration—The Hague Court—although permanent in name only and constituted from a list of judges for each case submitted to it. The existence, however, of the permanent Court made it more difficult to establish the new one, and it was not until the last day but one of the Conference that the project was adopted and referred to the Powers by the unanimous vote of the nations present and voting. Perhaps it would be advisable to quote the first paragraph of the project in order that the exact nature of the court may be evident. It is as follows:

"In order to further the cause of arbitration, the contracting Powers agree to organize, without injury to the permanent Court of

arbitration, a Court of arbitral justice, free and easy of access, composed of judges representing the different juridical systems of the world and capable of assuring the continuity of arbitral jurisprudence."

It is proper to state that the project was essentially an American project, although presented conjointly by Germany and Great Britain, and the establishment of the court in the near future will be an American triumph. President Roosevelt, in his recent message to Congress, commented as follows upon this recommendation:

"Substantial progress was also made towards the creation of a permanent judicial tribunal for the determination of international causes. There was very full discussion of the proposal for such a court and a general agreement was finally reached in favor of its creation. The Conference recommended to the signatory Powers the adoption of a draft upon which it agreed for the organization of the court, leaving to be determined only the method by which the judges should be selected. This remaining unsettled question is plainly one which time and good temper will solve."

I believe you will search in vain for any work of a more far-reaching nature accomplished within the past centuries. The dream of Henry IV, the hope of William Penn, both of whom prepared projects for a court of nations, seem, if not wholly to have been realized within the very grasp of our generation.

A Third Peace Conference

The friends of peace and arbitration had wished to make the Conference at The Hague a permanent institution, meeting at regular and stated intervals known in advance. The American delegation had the honor to urge the adoption of such a resolution or recommendation and succeeded in substance, although the language is not so clear and crisp as we should have liked. The exact wording of the recommendation follows:

"Finally, the Conference recommends to the Powers the reunion of a third Peace Conference to take place within a period analogous to that which has elapsed since the preceding conference [eight years] at a date to be fixed by common agreement among the Powers, and the Conference calls their attention to the necessity of preparing the program of the Third Conference far enough in advance in order that its deliberations may take place with the indispensable authority and rapidity.

"In order to reach this end, the Conference considers it very desirable that two years before the probable reunion of the Conference, a preparatory Committee be charged by the Governments with the

duty of collecting the different propositions to be submitted to the Conference, of discovering matters susceptible of future international regulation and of preparing a program which the Governments shall determine so that it may be attentively studied in each country. This Committee shall propose a mode of organization and procedure for the Conference."

The meaning of this recommendation is obvious. Whatever Power may call the Conference, the interested governments are to prepare the program and devise rules for the organization and procedure of the Conference. In other words, the Conference ceases to be Russian in becoming international.

A Landmark in International Development

Enough has been said to show that this Conference, which lasted four months, and which was subjected to criticism in all parts of the world and to misrepresentations in the Journals, has not only justified its calling but that it is a landmark in international development.

One great concern must be, as far as possible, to humanize war as long as war exists. The greater task is to remove the causes of war so that nations may not be hurried into war, or that friction developed by the failure to solve or adjust conflicts may not permit nations slowly but surely to drift into war.

Leaving out minor matters, this Conference did four things of fundamental importance:

1. It provided for a meeting of a Third Conference within an analogous period, namely eight years, to be under the control of the Powers generally, instead of the control of any one of them.
2. It adopted a convention for the non-forcible collection of contract debts, substituting arbitration and an appeal to reason for force and an appeal to arms.
3. It established a prize court to safeguard neutrals, and
4. It laid the foundations of, if it did not put the finishing stone to, a great court of arbitration.

JAMES BROWN SCOTT

**Technical Delegate of the United States to the
Second International Peace Conference at The Hague.**

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THE POSSIBILITIES OF INTELLECTUAL CO-OPERATION BETWEEN NORTH AND SOUTH AMERICA



BY

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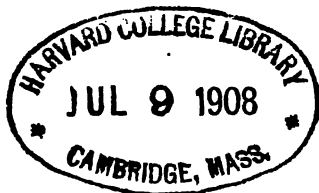
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New York City



John H. H. H. H.

THE POSSIBILITIES OF INTELLECTUAL CO-OPERATION BETWEEN NORTH AND SOUTH AMERICA

The contrast between Latin and Anglo-Saxon has been used constantly to support the view that close co-operation between the two races is impossible of attainment. To many writers there is an essential and fundamental antagonism between the basic racial, mental and moral traits.

It is only within comparatively recent years that the pseudo-scientific form under which this doctrine has masqueraded has been unmasked. That there are differences between the Latin and the Anglo-Saxon no one will deny, but that these differences involve any essential antagonism between the two races is without any basis in scientific fact. We are gradually acquiring a clearer appreciation of the real strength of the people of Latin America and of the contributions that they have made, and are making, to the progress of western civilization.

HIGHER EDUCATION IN SOUTH AMERICA

It is a matter of considerable surprise to many to learn that the arts and sciences were fostered from the earliest period of the settlement of South America. In 1551, the first American university was established in the Peruvian capital. For more than a century after its foundation the University of San Marcos of Lima was the center from which radiated the influences that led to the establishment of higher institutions of learning throughout the central and southern sections of the continent. Originally founded by the Spanish Crown and placed under the immediate supervision of

the Church, these institutions drew their inspiration and received their intellectual stimulus from Spain.

With the emancipation of the colonies from the mother country the intellectual influence of other European countries, notably Italy and France, began to make itself felt. The reorganization of South American universities, which took place during the early decades of the nineteenth century, was undertaken in accordance with the dominant French influences of the period. These influences to-day still determine the organization and method of university instruction in South America. Until within comparatively recent years the curriculum has been patterned after European models; and even in the study of scientific questions the distinctive problems of this continent have been neglected. This condition of affairs has been due in large part to the fact that those members of the university faculties who were giving all their time to university instruction were recruited from abroad, and the native professors followed the standard set by their foreign colleagues.

Within the last two decades, however, a new spirit has begun to make itself felt amongst the higher institutions of learning of South America. Through the influence of a number of educational leaders, attention has been called to the distinctively national problems, and especially to the necessity of bringing the universities into closer touch with national life.

RELATION OF UNIVERSITIES TO NATIONAL LIFE

It is at this point that the influence of the universities of the United States for the first time begins to make itself felt in South America. The close adaptation of our higher institutions of learning to the ever-changing needs of national life has been held up before the Latin-American universities as an example of the important part which the university should, and, if it is to fulfil its mission, must play in the life of the people. With this desire of the Latin-American Republics to bring their universities into closer touch

with the life of the people there has also come an awakening to the fact that the republics of this continent, because of the exceptional conditions under which they were settled and because of the peculiar economic and political conditions that have accompanied their growth, present a group of problems different in many respects from those of Continental Europe, or in fact, from any other portion of the globe. It has taken a long time to make clear the far-reaching international obligations involved in this community of national problems. The experience of each country contains many lessons, positive and negative, by which the nations of this continent may profit. Furthermore, the spirit of mutual helpfulness growing out of such interchange of service will contribute materially toward the development of a real continental public opinion, the attainment of which will constitute the greatest safeguard to the peace of this hemisphere and indirectly to the peace of the world.

DESIRE OF SOUTH AMERICAN INSTITUTIONS TO BE
BROUGHT INTO CLOSER TOUCH WITH
THE UNITED STATES

As a result of this clearer appreciation of the possibilities of an interchange of experience in grappling with fundamental national problems, there is evident a growing desire on the part of educational leaders in South America to bring themselves into closer touch with the educational system of the United States and to foster closer relations with our universities.

It seems strange, and at first almost inexplicable, that we, in the United States, have failed to pay any attention to the great currents of South American thought. In our ignorance of the real situation in this section of the continent we have grouped all the countries under the common name of South America and have taken for granted that conditions are so primitive that no intellectual or scientific movement of importance is to be looked for. The vastness of our own

country has led our universities to devote themselves to the distinctively national problems, and little or no thought has been given either to our relations with the other sections of this continent or to the possibilities of securing from them valuable scientific material for our own purposes.

It will probably be surprising to many to learn that in each of the countries of Latin America there is a group, and in many countries a large group, of earnest investigators who have made, and are making, important contributions to scientific thought. Until recent years these investigators have not utilized the vast fund of valuable material which their own countries offer, but there is now noticeable amongst the younger generation a desire and determination to concentrate attention on the distinctively scientific problems of their respective countries. We may, therefore, confidently look forward to a period of scientific fruitfulness which will throw a new light on many of the problems which are now absorbing the attention of investigators in the United States. There is something inspiring in the thought of bringing the scientific effort of the American continent to bear on the great political, social, economic and racial problems which confront the nations of this hemisphere.

The discussion of our relations with South America has been limited almost exclusively to commercial considerations. It has been taken for granted that intellectual intercourse would follow on the heels of closer commercial relations. We have, therefore, been content to postpone the consideration of this phase of our continental position until such time as the growth of commerce has brought us into closer touch with the people of Latin America.

INTELLECTUAL INTERCOURSE MUST BE STIMULATED
INDEPENDENT OF COMMERCIAL RELATIONS

The most cursory examination of the South American situation will show that the theory which has guided

our attitude is erroneous. Until comparatively recent years England has practically dominated South American trade, yet English intellectual influence has been so slight that it hardly deserves consideration. On the other hand, France, with but an insignificant commercial position, has exerted a powerful influence over the thought and action of the people of Latin America. It is generally supposed that this is due to the close racial affinity between the Spanish and the French. That this is not the true explanation is attested by the growing intellectual influence of the Germans, who are now supplanting the French, solely because of the concerted effort which both the German government and the German people are making to strengthen their position in this quarter of the globe. Germany has been ready and anxious to send her officers to reorganize the South American armies, and she has shown herself no less ready and anxious to send her schoolmasters and schoolmistresses to reorganize the lower and higher schools of these countries. Although German commerce has made great strides, her advance in moral and intellectual influence is not to be traced to this fact, but rather to the determined effort that she is making to place her best intellectual forces at the service of the South American republics.

THE LESSONS OF GERMAN SUCCESS

There has been much irresponsible talk about the designs of Germany on South America. Not only is there a lack of any present indication of such designs, but even supposing the acquiescence of the United States, Germany lacks the elements with which to support such a movement. The Germans settled in South America, while anxious to preserve their German traditions, could not be relied upon to support any attempt at the extension of German dominion. The really significant fact is that Germany's intellectual influence in South America is growing so rapidly, especially in the educational field, that German ideas,

German culture, and the German point of view now dominate the educational system in the more important sections of South America. This fact possesses a deep and far-reaching significance and constitutes a far greater achievement than a territorial foothold.

Germany's success contains a lesson of much importance to the United States. It is evident to everyone who has watched the development of national feeling in South America that the time has come when we must view our position on this continent with a far keener sense of the responsibilities which it involves. We must shape our policy not merely with a view to the present but with reference to our standing amongst our neighbors ten and twenty years hence. It is idle to suppose that the constant reiteration of our good intentions will satisfy the peoples of Latin America. They have to a very large extent overcome their distrust of the purposes of our government. In its stead there has developed a feeling of admiration for the wonderful progress of our country, its energy and initiative, and a sincere desire to profit by our example.

This new spirit finds its most distinct expression in the almost universal demand for American teachers and American educational methods. In the few instances in which American methods have been introduced they have produced most excellent results. A remarkable confirmation of this fact was impressed upon me while travelling through the northern provinces of the Argentine Republic. In 1869, President Sarmiento, who was a close friend of Horace Mann, engaged the services of five or six American teachers, and placed in their hands the organization of a normal school in the city of Parana. The founders of this school are now dead or pensioned, but during the last four decades the institution which they established has exercised a profound influence on educational methods throughout the Republic. This one school has contributed more than any other agency toward develop-

ing a respect for American methods and strengthening a desire to profit by American experience. There is a real feeling of national gratitude for the teachers whose pioneer work served to place the Argentine educational system on a higher plane of efficiency.

When a handful of teachers can accomplish such results we begin to appreciate the far-reaching influence of a concerted and well co-ordinated effort to extend such educational service, and the desirability of formulating further plans for the establishment of new and even stronger intellectual ties. Three possible lines of activity present themselves as a first step in this direction:

PREPARATION OF TEACHERS FOR SERVICE IN LATIN AMERICA

FIRST. The better preparation of American teachers for service abroad. Both Porto Rico and the Philippines furnish excellent preparatory training for service in South America, but the number of teachers available is relatively small. Our normal schools would do a great service in giving to Spanish a more prominent place in their curriculum, and in giving to teachers a better idea of the history and civilization of these Latin American countries.

But more important than these changes, which are relatively simple and easily effected, is the development of a more ready adaptability on the part of American teachers. In this respect the German still outranks the American. We are in many ways unpleasantly provincial in our attitude toward the foreigner and fail to show that ready sympathy with a point of view different from our own which has done so much to make the German and German methods important factors in South American affairs.

MIGRATION OF STUDENTS FROM LATIN AMERICA

SECONDLY. We must make a more concerted effort to attract a larger number of South American students to our normal schools and universities. It is true

that much has been done during the last ten years, but we have only begun to realize the possibilities of service in this respect. To-day the natural trend of South American students is still towards Europe, in spite of the fact that our institutions offer a training better adapted to the conditions prevailing in these republics.

The opportunity now presents itself, as it has never presented itself before, for our universities to perform a great national service which will do more to draw the countries of South America closer to us than any one thing that can be done at the present time. If a group of our larger institutions were to establish a series of scholarships for Latin-American students it would be interpreted as the clearest indication of the good will and friendly feeling of the American people. The governments of the South American republics are beginning to send students to the United States, but the number desiring to come is far in excess of the available appointments. The presence of a considerable body of Latin-American students cannot help but benefit our university life. They give to our students a closer acquaintance with the point of view of the Latin-American peoples and thus destroy many of the prejudices that now exist. The personal ties formed during the university years serve to prevent the recurrence of those misunderstandings which in the past have, from time to time, marred our relations with the republics of South America.

In this work the International Bureau of American Republics in Washington will be of the greatest service. The Pan-American Conference held in Rio in 1906 adopted a plan for the reorganization of this Bureau and as an integral part of this plan provided for the establishment of an educational bureau, which should serve as a clearing-house of educational information for the republics of this continent. The present Director, the Honorable John Barrett, is anxious to broaden the usefulness of the Bureau wherever pos-

sible, and the universities of the country can be assured of his cordial support in any plans that they may adopt. Heretofore the educational leaders of South America have had considerable difficulty in securing complete and trustworthy data concerning educational methods in the United States. Through the Bureau of American Republics the machinery is now being devised through which such information will be readily and speedily available.

UNIVERSITY COÖPERATION

THIRDLY. The establishment of closer relations between the universities of North and South America and between individual investigators in the various scientific fields.

During an extended tour through South America I had the opportunity to discuss with university authorities in the different countries a plan for the establishment of such closer relations. I found every one with whom I spoke not only prepared but enthusiastic in their acceptance of any plan that would bring them into closer touch with the universities of the United States. As a first step, the following tentative plan was agreed upon with the National University of La Plata, the National University of Chile, and the University of San Marcos of Lima:

1. To arrange for the exchange of all university publications.
2. The establishment of a Scientific Bureau, the duties of which shall be
 - (a) To serve as a center of information for members of the various Faculties or other investigators who may desire data concerning any subject under inquiry;
 - (b) To serve as intermediary between members of the university pursuing similar lines of investigation;

- (c) To undertake with specialists the arrangement of simultaneous investigations on topics of interest to scientists in both countries. By this means monographic studies covering similar topics in the various countries can be undertaken.
- (d) To furnish information concerning programs of courses, methods of instruction, etc., etc.
- 3. The establishment of a "Foreign Students' Information Bureau," whose duty it shall be to furnish full information concerning every phase of university life, and also to receive foreign students, extending them every facility upon their arrival.
- 4. The inclusion of material relating to the development of American political institutions in such courses as Constitutional Law, Administrative Law, Political Economy, Sociology and Comparative Legislation. The main purpose of this plan is to give to university students some notion of existing conditions, and to arouse in them such interest as will lead to independent investigations.

This project for university coöperation will serve important scientific ends. In the first place, there are the scientific purposes to be subserved. We have hardly begun to appreciate the wealth of scientific material which South America affords. I will confine myself to the one field of investigation with which I am acquainted—the study of political institutions. The constitution of the United States has had a marked influence on the development of political institutions throughout South America. This is particularly true of the federal republics, Brazil and the Argentine, but it is also true, although to a less extent, of the unified states, such as Chile, Bolivia, and Peru. The student of political institutions is afforded the opportunity of examining the operation

of similar constitutional provisions under totally different conditions and is thus able to study the relation between constitutional form and constitutional fact from an entirely new viewpoint.

CONSTITUTIONAL DEVELOPMENT OF THE REPUBLICS OF LATIN AMERICA

There is a very common and widespread belief that the republics of Latin America have had no constitutional development worthy of the name, that they have passed from revolution to revolution, and that the constant instability has prevented any approach to orderly institutional growth. It is, therefore, a matter of some surprise to the student of political science to find in the constitutional history of these countries material which throws a flood of light on the development of democratic institutions and their relation to inherited political ideas.

Even the revolutions have a deep constitutional significance. In most cases they are the political expressions of deeply rooted social changes and must be so interpreted in order to grasp their true significance. In spite of occasional setbacks, the leading countries of South America are developing political institutions which, within a comparatively short time, will be as firmly established as our own. The occasional upheavals that occur are steps in this process. With each year public opinion is becoming more organic and is extending its control over governmental affairs. As soon as the history of South American countries is studied with the same care and detail as of the United States, we will find that the political institutions of these countries have passed through stages of development quite as clearly defined as those through which our own institutions have passed.

Material of equal value is to be found for the study of race problems and racial relations, archæology, medicine, hygiene, and public sanitation. In order to give to this material its greatest value it is important

that investigators in different sections of the country should be brought into close relation with one another. Through such united effort the contribution of this continent to the world's knowledge will be greatly increased and a new spirit of solidarity established.

PAN-AMERICAN SCIENTIFIC CONGRESS

The approaching Pan-American Scientific Congress to be held in Santiago, Chile, in December 1908, furnishes the opportunity to our universities to show, through their participation in the work, that they appreciate the possibilities involved in closer coöperation for the solution of the many scientific problems that we have in common. The cordial and fraternal spirit in which the invitation to the United States government has been extended expresses the desire of the people of Latin America for a closer and more fruitful community of action with the people of the United States.

This Congress has heretofore been exclusively Latin-American. The determination to make it Pan-American is but one of the many indications that a feeling of continental solidarity is gradually making itself felt. The personal ties formed between investigators at such a gathering will make it possible to undertake parallel inquiries in different sections of the continent, and it is but reasonable to expect that such inquiries will throw a new light on many vexed questions. Through this contact, scientific associations in different parts of this hemisphere will be brought into closer touch with one another and the activities of all rendered more fruitful. This congress will mark an epoch in the intellectual relations between the republics of the American continents.

In considering the various plans herewith submitted, due weight must be given to the broad national interests involved as well as to the immediate scientific advantages which they present. International relations are to-day determined by the intellectual sympathies that exist between nations. We draw nations

toward us in proportion as we do them service, and we are to-day placed in a position to be of incalculable service to the peoples of South America. Their greatest present need is a better organization of the common school and higher educational system. Our own experience contains many lessons by which they may profit. There is no need to foist our methods on them. On the contrary, they are ready and anxious to avail themselves of the best that we have to offer. At no time in our history have the universities of the United States had a better opportunity to do a service of national—yes, of continental import. No agencies are better adapted to this purpose.

In the development of this spirit of continental solidarity our universities will add another to the many national services that they have performed. The time is not far distant when the Latin-American republics—or at least the more important among them—will be powers of real magnitude, whose support the United States will require in the realization of those ideals of international justice for which our government has so long striven. We cannot hope to have their support unless we are able to establish with them closer intellectual and moral bonds. The spirit of continental unity which we must try to establish does not imply the slightest antagonism toward Europe or against European institutions. It is simply the recognition of the elemental fact that America can best make her contribution to the world's progress by addressing herself primarily and with unity of purpose to those national and international problems that are either peculiar to this continent or for the solution of which conditions are peculiarly favorable. The republics of this continent will thus best make an adequate return for the inheritance which they received from Europe.

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AMERICA AND JAPAN

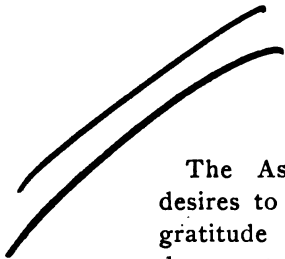


BY

GEORGE TRUMBULL LADD, LL.D.

JUNE, 1908, No. 7

American Branch of the Association for International Conciliation
Sub-station 84 (501 West 116th Street)
New York City



The Association for International Conciliation desires to express to the Secretary of State its deep gratitude for his permission to include among its documents his address as President of the American Society of International Law. French, German and Spanish translations of the address are being distributed throughout Europe by the Paris office of the Association.

For the information of those who are not familiar with the work of the Association for International Conciliation, a list of its publications is subjoined.

1. Program of the Association for International Conciliation, by Baron d'Estournelles de Constant. April, 1907.

2. Results of the National Arbitration and Peace Congress, by Andrew Carnegie. April, 1907.

3. A League of Peace (Address delivered at the University of St. Andrew) by Andrew Carnegie. November, 1907.

4. The Results of the Second Hague Conference, by Baron d'Estournelles de Constant and Hon. David Jayne Hill. January, 1908.

5. The Work of the Second Hague Conference, by James Brown Scott. January, 1908.

6. Possibilities of Intellectual Co-operation Between North and South America, by L. S. Rowe. April, 1908.

7. America and Japan, by George Trumbull Ladd. June, 1908.

Up to the limit of the editions printed, copies of the documents will be sent post-paid upon application.

ASSOCIATION FOR INTERNATIONAL CONCILIATION.

AMERICAN BRANCH,

SUB-STATION 84, NEW YORK.

THE SANCTION OF INTERNATIONAL LAW

One accustomed to the administration of municipal law who turns his attention for the first time to the discussion of practical questions arising between nations and dependent upon the rules of international law, must be struck by a difference between the two systems which materially affects the intellectual processes involved in every discussion, and which is apparently fundamental.

The proofs and arguments adduced by the municipal lawyer are addressed to the object of setting in motion certain legal machinery which will result in a judicial judgment to be enforced by the entire power of the state over litigants subject to its jurisdiction and control. Before him lies a clear, certain, definite conclusion of the controversy, and for the finality and effectiveness of that conclusion the sheriff and the policeman stand always as guarantors in the last resort.

When the international lawyer, on the other hand, passes from that academic discussion in which he has no one to convince but himself, and proceeds to seek the establishment of rights or the redress of wrongs in a concrete case, he has apparently no objective point

to which he can address his proofs or arguments, except the conscience and sense of justice of the opposing party to the controversy. In only rare, exceptional and peculiar cases, do the conclusions of the international lawyer, however clearly demonstrated, have behind them the compulsory effect of possible war. In the vast majority of practical questions arising under the rules of international law there does not appear on the surface to be any reason why either party should abandon its own contention or yield against its own interest to the arguments of the other side. The action of each party in yielding or refusing to yield to the arguments of the other appears to be entirely dependent upon its own will and pleasure. This apparent absence of sanction for the enforcement of the rules of international law has led great authority to deny that those rules are entitled to be called law at all; and this apparent hopelessness of finality carries to the mind, which limits its consideration to the procedure in each particular case, a certain sense of futility of argument.

Nevertheless, all the foreign offices of the civilized world are continually discussing with each other questions of international law, both public and private, cheerfully and hopefully marshaling facts, furnishing evidence, presenting arguments and building up records, designed to show that the rules of international law

require such and such things to be done or such and such things to be left undone. And in countless cases nations are yielding to such arguments and shaping their conduct against their own apparent interests in the particular cases under discussion, in obedience to the rules which are shown to be applicable.

Why is it that nations are thus continually yielding to arguments with no apparent compulsion behind them, and before the force of such arguments abandoning purposes, modifying conduct, and giving redress for injuries? A careful consideration of this question seems to lead to the conclusion that the difference between municipal and international law, in respect of the existence of forces compelling obedience, is more apparent than real, and that there are sanctions for the enforcement of international law no less real and substantial than those which secure obedience to municipal law.

It is a mistake to assume that the sanction which secures obedience to the laws of the state consists exclusively or chiefly of the pains and penalties imposed by the law itself for its violation. It is only in exceptional cases that men refrain from crime through fear of fine or imprisonment. In the vast majority of cases men refrain from criminal conduct because they are unwilling to incur in the community in which they live the public condemnation and

obloquy which would follow a repudiation of the standard of conduct prescribed by that community for its members. As a rule, when the law is broken the disgrace which follows conviction and punishment is more terrible than the actual physical effect of imprisonment or deprivation of property. Where it happens that the law and public opinion point different ways, the latter is invariably the stronger. I have seen a lad grown up among New York toughs break down and weep because sent to a reformatory instead of being sentenced to a State's prison for a violation of law. The reformatory meant comparative ease, comfort, and opportunity for speedy return to entire freedom; the State's prison would have meant hard labor and long and severe confinement. Yet in his community of habitual criminals a term in State's prison was a proof of manhood and a title to distinction, while consignment to a reformatory was the treatment suited to immature boyhood. He preferred the punishment of manhood with what he deemed honor to the opportunity of youth with what he deemed disgrace. Not only is the effectiveness of the punishments denounced by law against crime derived chiefly from the public opinion which accompanies them, but those punishments themselves are but one form of the expression of public opinion. Laws are capable of enforcement only so far as they are in agreement with

the opinions of the community in which they are to be enforced. As opinion changes old laws become obsolete and new standards force their way into the statute books. Laws passed, as they sometimes are, in advance of public opinion ordinarily wait for their enforcement until the progress of opinion has reached recognition of their value. The force of law is in the public opinion which prescribes it.

The impulse of conformity to the standard of the community and the dread of its condemnation are reinforced by the practical considerations which determine success or failure in life. Conformity to the standard of business integrity which obtains in the community is necessary to business success. It is this consideration, far more frequently than the thought of the sheriff with a writ of execution, that leads men to pay their debts and to keep their contracts. Social esteem and standing, power and high place in the professions, in public office, in all associated enterprise, depend upon conformity to the standards of conduct in the community. Loss of these is the most terrible penalty society can inflict. It is only for the occasional nonconformist that the sheriff and policemen are kept in reserve; and it is only because the nonconformists are occasional and comparatively few in number that the sheriff and policeman can have any effect at all. For the great mass of mankind, laws established by

civil society are enforced directly by the power of public opinion, having, as the sanction for its judgments, the denial of nearly everything for which men strive in life.

The rules of international law are enforced by the same kind of sanction, less certain and peremptory, but continually increasing in effectiveness of control. "A decent respect to the opinions of mankind" did not begin or end among nations with the American Declaration of Independence; but it is interesting that the first public national act in the New World should be an appeal to that universal international public opinion, the power and effectiveness of which the New World has done so much to promote.

In former times, each isolated nation, satisfied with its own opinion of itself and indifferent to the opinion of others, separated from all others by mutual ignorance and misjudgment, regarded only the physical power of other nations. Gibbon could say of the Byzantine Empire: "Alone in the universe, the self-satisfied pride of the Greeks was not disturbed by the comparison of foreign merit; and it is no wonder if they fainted in the race, since they had neither competitors to urge their speed nor judges to crown their victory." Now, however, there may be seen plainly the effects of a long-continued process which is breaking down the isolation of nations, permeating every country with better

knowledge and understanding of every other country, spreading throughout the world a knowledge of each government's conduct to serve as a basis for criticism and judgment, and gradually creating a community of nations, in which standards of conduct are being established, and a world-wide public opinion is holding nations to conformity or condemning them for disregard of the established standards. The improved facilities for travel and transportation, the enormous increase of production and commerce, the revival of colonization and the growth of colonies on a gigantic scale, the severance of the laborer from the soil, accomplished by cheap steamship and railway transportation and the emigration agent, the flow and return of millions of emigrants across national lines, the amazing development of telegraphy and of the press, conveying and spreading instant information of every interesting event that happens in regions however remote—all have played their part in this change.

Pari passu with the breaking down of isolation, that makes a common public opinion possible, the building up of standards of conduct is being accomplished by the formulation and establishment of rules that are being gradually taken out of the domain of discussion into that of general acceptance—a process in which the recent conferences at The Hague have played a great and honorable part. There is no

civilized country now which is not sensitive to this general opinion, none that is willing to subject itself to the discredit of standing brutally on its power to deny to other countries the benefit of recognized rules of right conduct. The deference shown to this international public opinion is in due proportion to a nation's greatness and advance in civilization. The nearest approach to defiance will be found among the most isolated and least civilized of countries, whose ignorance of the world prevents the effect of the world's opinion; and in every such country internal disorder, oppression, poverty, and wretchedness mark the penalties which warn mankind that the laws established by civilization for the guidance of national conduct can not be ignored with impunity.

National regard for international opinion is not caused by *amour propre* alone—not merely by desire for the approval and good opinion of mankind. Underlying the desire for approval and the aversion to general condemnation with nations as with the individual, there is a deep sense of interest, based partly upon the knowledge that mankind backs its opinions by its conduct and that nonconformity to the standard of nations means condemnation and isolation, and partly upon the knowledge that in the give and take of international affairs it is better for every nation to secure

the protection of the law by complying with it than to forfeit the law's benefits by ignoring it.

Beyond all this there is a consciousness that in the most important affairs of nations, in their political status, the success of their undertakings and their processes of development, there is an indefinite and almost mysterious influence exercised by the general opinion of the world regarding the nation's character and conduct. The greatest and strongest governments recognize this influence and act with reference to it. They dread the moral isolation created by general adverse opinion and the unfriendly feeling that accompanies it, and they desire general approval and the kindly feeling that goes with it.

This is quite independent of any calculation upon a physical enforcement of the opinion of others. It is difficult to say just why such opinion is of importance, because it is always difficult to analyze the action of moral forces; but it remains true and is universally recognized that the nation which has with it the moral force of the world's approval is strong, and the nation which rests under the world's condemnation is weak, however great its material power.

- These are the considerations which determine the course of national conduct regarding the vast majority of questions to which are to be applied the rules of international law. The real sanction which enforces

those rules is the injury which inevitably follows non-conformity to public opinion; while, for the occasional and violent or persistent law-breaker, there always stands behind discussion the ultimate possibility of war, as the sheriff and the policeman await the occasional and comparatively rare violators of municipal law.

Of course, the force of public opinion can be brought to bear only upon comparatively simple questions and clearly ascertained and understood rights. Upon complicated or doubtful questions, as to which judgment is difficult, each party to the controversy can maintain its position of refusing to yield to the other's arguments without incurring public condemnation. Upon this class of questions the growth of arbitration furnishes a new and additional opportunity for opinion to act; because, however complicated the question in dispute may be, the proposition that it should be submitted to an impartial tribunal is exceedingly simple, and the proposition that the award of such a tribunal shall be complied with is equally simple, and the nation which refuses to submit a question properly the subject of arbitration naturally invites condemnation.

Manifestly, this power of international public opinion is exercised not so much by governments as by the people of each country whose opinions are interpreted in the press and determine the country's attitude

towards the nation whose conduct is under consideration. International opinion is the consensus of individual opinion in the nations. The most certain way to promote obedience to the law of nations and to substitute the power of opinion for the power of armies and navies is, on the one hand, to foster that "decent respect to the opinions of mankind" which found place in the great Declaration of 1776, and on the other hand, to spread among the people of every country a just appreciation of international rights and duties, and a knowledge of the principles and rules of international law to which national conduct ought to conform; so that the general opinion, whose approval or condemnation supplies the sanction for the law, may be sound and just and worthy of respect.

ELIHU ROOT

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INTERNATIONAL CONCILIATION

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THE UNITED STATES AND FRANCE



BY

BARRETT WENDELL

Professor of English in Harvard University

AUGUST, 1908, NO. 9

American Branch of the Association for International Conciliation

Sub-station 84 (501 West 116th Street)

New York City

**From the
Quarterly Journal
of Economics.**

This pamphlet is one of a series upon the common social, intellectual and commercial features in the life of the people of the United States and of other countries. Documents have already been issued dealing with Japan and with the South American States, and others of the series on the United States and England, Germany, Italy, Spain, Canada and Mexico are in preparation.

So far as the editions of these documents will permit, copies will be sent postpaid, upon publication, to those persons who make written application therefor, and the Committee will be glad to send additional copies to any names and addresses suggested by correspondents, either as being those of persons interested in the work of the Association as a whole, or in the relations of the United States and any particular country or countries.

**ASSOCIATION FOR INTERNATIONAL CONCILIATION.
AMERICAN BRANCH,
SUB-STATION 84, NEW YORK**

THE UNITED STATES AND FRANCE

An endeavor like this, "to emphasize the common intellectual, social and commercial features in the life of the people of France and the United States," must begin by a clear understanding of what that vague term—"the people"—means. In any republic it includes, as civic equals, all citizens; and among the citizens of any state there must always be wide divergence of conditions,—economic and moral, to go no further. Generalization should avoid extremes, of riches and poverty, fashion and obscurity, saintliness and crime. It must consider, as the national type, those who are neither of the cosmopolitan class which has more or less emerged from the limitations of nationality nor of that universal laboring class which has not yet been quite confined within them. Such, for example, are all professional men and men of affairs, from the leaders of the bar, or in the universities, to respectable shop keepers. When one thus conceives the people of France, the image becomes fairly distinct. With the people of the United States the case is different, by reason of the immigration and the internal migrations which confuse and disturb the visible surface of American life. The distinctive traits of American character are probably to be found most definitely in the regions and among the citizens who have longest thought of themselves as American; that is, among inhabitants of the Atlantic seaboard who

are descended from families already American in 1776, and their kinsmen now living in other parts of the country. The one practicable test of American nationality is that the man who claims it, as a characteristic and not merely as a political fact, shall think of himself not as Irish-American, German-American, or whatever else, but only as American—his personal ties of foreign origin completely broken or forgotten. If America is to remain America, the Americans of the future must come to be the spiritual descendants of the Americans of the past. By "the people of France and the United States," accordingly, we may agree to mean the sound middle class of both republics, whose personal traditions are purely national.

Thus considering the peoples in question, one can hardly fail to perceive, among their most profound common intellectual traits at the present time, a conviction that, so far as is humanly possible, everybody in this world ought to get his deserts—that accidents of birth or of fortune should not be allowed to modify individual careers any more than can be helped. In both countries the chief force brought to bear on all men alike, to direct them in the ways of righteousness, used to be religion—in France chiefly Roman Catholic, in America chiefly Protestant, but in both spiritually dominant and, on the whole, fervently sincere. In both countries to-day religion, at least for the moment, has less command of popular confidence. For the kind of social or personal edification which was formerly sought from the clergy both now look to popular education, at public expense. The belief in education as the one efficacious means of equalizing opportunity seems in both so intense as

in some aspects to approach the danger of superstition—or at least of confusion of means with ends, of formulas with results. In both, education is for the while in a state of transition; it has abandoned the methods of the past, and is endeavoring with inspiring confidence to establish in their stead more efficient methods for the future. The high degree of technical training in France—in other words, the prolonged traditions of French civilization—must necessarily stand in strong contrast with the somewhat fluctuating standards of a country which a century ago was mostly wilderness. The education of France, technically better throughout than that of America, seems on the whole more exposed to the danger of cramping the pupil; that of America, disturbingly superficial in many respects, at least leaves inborn energy rather more untrammelled, and perhaps displays more power of influencing morals. Each country might learn from the other, particularly, in point of standards, America from France. But both agree, most fundamentally, in somewhat petulant faith that the safeguard of the state is knowledge—that if we seek the truth the truth shall make us and shall keep us free. And in both freedom means, at bottom, the liberty of the individual to achieve his utmost.

How clearly defined these convictions are in the popular mind is another question. There can be little doubt, however, that the forces which have brought them into being have much in common with those which are producing the most obvious social fact now common to France and the United States. This is what may variously be called centralization, or the depopulation of the country, or the growth of cities.

Obvious in France, at least since the time of Richelieu, to a degree which many critics have held nationally morbid, this has insensibly become almost as evident throughout America. The fact that for reasons both historical and geographical—springing both from the origins and from the comparatively limited extent of the country—the single centre of France is Paris can only momentarily postpone our recognition of tendencies in America closely analogous to those which at times have made Paris, as capital of the most highly civilized nation in Europe, the virtual capital of the civilized world. It was evidently so at certain periods of the seventeenth, the eighteenth and the nineteenth centuries. The pervasiveness of its elder influence is one reason why it is not indisputably so to-day. So, during the nineteenth century, Boston, the chief city of eastern New England,—the true Yankee capital,—not only insensibly drew to itself the most able men from the rural country within its range, but virtually absorbed the ability of the New England towns which were once its rivals, such as Salem, Newburyport, or Portsmouth. So, at the present time, Boston itself is being slowly drained by the economic superiority of New York and by the greater political and social intensity of life in Washington. And what is true in New England seems generally true throughout the United States. The cities attract from the country the ablest and the most energetic people, leaving behind mostly those who have not energy enough to be even restless; and the greater centres of population exercise a similar influence over the cities which for any reason stay smaller.

Social concentration must everywhere involve concentration not only of social power but of social disease. It is concerning certain phases of this that the most deep mutual misunderstandings arise between Frenchmen and Americans. Human conduct and misconduct everywhere are about the same: but, in some respects, the impulse of the French to state things as they are goes to the extreme of over-emphasis on evil, and the impulse of Americans to believe things as they ought to be results in placid denial of facts to which eyes may comfortably be closed. Perhaps the most obvious aspect of the misunderstanding now in mind concerns the subject of divorce. Whatever statistics may aver, divorce is unusual among the personal acquaintance of respectable Americans; so, there is every reason to believe, are irregular domestic establishments among the same class of people in France. Throughout France, however, the popular conception of marriage is deeply affected by its sacramental character in the Roman Catholic Church; throughout America, it is as deeply affected by its essentially civil character among the English Puritans of the seventeenth century. So the modern American view of divorce is apt to impress the French as hypocritically immoral, and the occasional irregularity of French unions is apt to impress Americans as shamelessly so. Austere critics might pronounce the two peoples equally right; more merciful ones might better point out that they are equally mistaken.

It is an analagous, though not quite similar, misunderstanding which prevents the Americans and the French from generally perceiving how much their

commercial life has in common. In a country of which the material development has been so great as that of America during the past century, nothing could prevent the accumulation of sudden and sometimes accidental fortunes, nor the consequent conspicuousness of adventurous or even reckless spirits among men of affairs. In a country so differently conditioned as nineteenth-century France, nothing could avert the obviousness among such men of a tendency to somewhat frugal thrift. The typical American spends rather too freely; the typical Frenchman saves with a caution approaching timidity. So much one must candidly admit. On the other hand, the general belief among the French that a normal American man of business is a daring speculator—a sort of glorified gambler—is completely mistaken; and so is the general American belief that the normal French man of business, if not a gambler, is little better than a miser. In point of fact, whoever has had wide acquaintance among the commercial classes in both countries must agree that in both the most vitally characteristic type is one of prudent enterprise. Your French man of affairs and your American alike desire to end each year as solidly as they began it, and with as much more range and power, of commercial sort, as is consistent with avoidance of unreasonable risk.

On this point, the actual state of family fortunes in the two countries is instructive. The present code of French law compels people in general to leave the greater part of their property to members of their families. No such limitation of testamentary freedom exists in America. But something surprisingly like it occurs, as an act of free will, on the part of so

many prosperous Americans that it may well be taken as an assertion of national character. A typical American, to be sure, bequeathes something to charity, or to public purposes; but, in the case of men with children, or with other near relatives, this is rarely enough to impair the remaining estate. And this remaining estate is so seldom given outright to its inheritor that elaborate creations of trust, carefully defined by express direction of testators, may be said to be rather the rule than the exception. Not long ago, indeed, a foreign student of law and economics, after a few weeks' study of present conditions in New York and in New England, pleasantly said that more property there was actually managed by the dead for the benefit of their families than has ever been the case anywhere else in the whole course of recorded history. True or not in this extreme form, the statement indicates how much the codified law of France has in common with the uncontrolled impulse of America, when the question arises of providing for one's posterity.

National characters must always present diversity, and diversity must always be more conspicuous than likeness. Yet words like these, if they can help Frenchmen and Americans to perceive some of the many likenesses which underlie their national diversities, may not be vain. For in moments of tension—and even among the nearest of friends moments of tension must sometimes arise—they may do their part to remind each that among the deeper causes of tension throughout history have lurked needless misunderstandings.

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THE APPROACH OF THE TWO AMERICAS

Convocation Address Before the University of Chicago
August 28, 1908

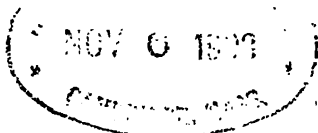


BY

JOAQUIM NABUCO, LL.D.
Ambassador of Brazil

SEPTEMBER, 1908, NO. 10

American Branch of the Association for International Conciliation
Sub-station 84 (501 West 116th Street)
New York City



The Executive Committee of this Association desires to express its thanks to the Brazilian Ambassador for his courteous permission to publish this important contribution to the cause of International Conciliation.

Up to the limit of the editions printed, copies of the following documents, published by the Association, will be sent post-paid upon application.

1. Program of the Association, by Baron d'Estournelles de Constant. April, 1907.
2. Results of the National Arbitration and Peace Congress, by Andrew Carnegie. April, 1907.
3. A League of Peace, by Andrew Carnegie. November, 1907.
4. The Results of the Second Hague Conference, by Baron d'Estournelles de Constant and Hon. David Jayne Hill. January, 1908.
5. The Work of the Second Hague Conference, by James Brown Scott. January, 1908.
6. Possibilities of Intellectual Co-operation Between North and South America, by L. S. Rowe. April, 1908.
7. America and Japan, by George Trumbull Ladd. June, 1908.
8. The Sanction of International Law, by Elihu Root. July, 1908.
9. The United States and France, by Barrett Wendell. August, 1908.

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THE APPROACH OF THE TWO AMERICAS

Convocation Address Before the University of Chicago

August 28, 1908

I am proud to address this University, worthy of a city which, for its sudden gigantic growth, is the wonder of the world and which is the foremost of all the great experiment stations of americanization. In Chicago, better than anywhere else, one can follow the short process by which any foreign plant is made to bear in one or two seasons of acclimation genuine American fruit. Here we are at one of the gates of the world, through which enter new social conceptions, new forms of being; at one of the sources of modern civilization. The tribute to science, from which this University sprung, is the most beneficent tribute which wealth could ever pay to mankind. To increase the rate at which science grows is without comparison the greatest service that could be rendered to the human race. Religion will be powerless to bring to earth the kingdom of God without the help of science at a state of advancement of which we cannot yet even have an idea. By increasing the number of men able to use the delicate tools of science, to understand its many languages, and to acquire its higher senses, the universities work faster than any other agency for that advanced state of knowledge, through which the condition of man will some day be entirely transformed.

Words fail me to express my appreciation of the call I received to speak before you. I am bound to

take the honor as a distinguished personal obligation, but allow me to see in it chiefly a sign of your sympathy with the work of drawing the two Americas close together. Much as the future generations will wonder at the progress of our time they will wonder still more that the two great sections of our continent did remain so late in history almost unknown to each other. One reason of their isolation was that many spirits in Latin America were for a long time afraid of a too close contact with you, owing to the great difference of power between this and every other American nation. On its side the United States, being a world by itself, and a world growing faster each day, has always opposed to any such movements the strongest of all possible resistances, that of indifference. Fortunately a new cry begins already to resound everywhere. Suspicion is being replaced by confidence, and, if the universities take in hand the policy of Secretary Root, indifference, in its turn, will give way to the feeling of continental kinship.

In Brazil, I must say, the leading statesmen were never afraid of associating with this country. As soon as the message of President Monroe, of December, 1823, was received in Rio de Janeiro, the Brazilian Government proposed to the United States an offensive and defensive alliance on the basis of that message, alleging that sacrifices such as those implied in it for the benefit of Latin America should not be accepted gratuitously. The proposal was delayed in transmission and there was another delay in the acknowledgment; Henry Clay, who in the meanwhile had been made Secretary of State, answered at last that the

American Government did not foresee any danger that would justify an alliance; but from the spirit of that offer we never had cause to deviate, and, as no disappointment ever came to us, we never expected any would come to others from adopting the course we had followed since our Independence.

It was once said that the society of any Latin country with you reminded one of the company, in Lafontaine's fable, of the earthenware with the iron pot. I do not think the comparison just to any of the Latin republics. With an unbreakable cohesion none has anything to fear for its nationality. What is essential for a nation is to crystallize; to bring all its parts to a same symmetrical form of its own, the design of a common national sentiment; once that done, and I think such is the case with all Latin America, it would never break like earthenware. You with your high civilization can do no wrong to any nation. Intimate contact with you will, therefore, under whatever conditions, bring only good and progress to the other party.

The only certain effect I can see of a permanent and intimate intercourse of Latin America with you is that it would be slowly *americanized*; that is, that it would be, in different measures, penetrated with your optimism, your self-reliance and your energy. It would be a treatment by electricity. I do not mean that we would ever attain your speed. Nor do we wish it. You have broken the record of human activity without breaking the rhythm of life. You have made a new rhythm for yourselves. We could never do that. For the Latin races *festina lente* is the rule

of health and stability. And let me say it is good for mankind that all its races do not go at the same step, that they do not all run. The reign of science has not yet begun, and only in the age of science mankind might attain to uniformity without beginning at once to decay. Dignity of life, culture, happiness, freedom, may be enjoyed by nations moving slowly, provided they move steadily forward.

Take one common point in our destiny. We must all be immigration countries. But in order to be able to oppose to whatever foreign immigration a national spirit capable of turning it quickly into patriotic citizenship, as you do, the assimilating power of the Latin organism need everywhere be much increased. Immigration countries must have the necessary strength to assimilate all that they absorb. For that a strong patriotism does not suffice. Patriotism is intense in almost every nation, and in none perhaps more so than in the tribes without history. The Romans were not more patriotic than the Lusitanians. It is not patriotism that conquers immigration. Through our intercourse with you we would see what it is that conquers it. You owe your unparalleled success, as an immigration country, first of all to your political spirit. Without it you would have, owing to your soil and your race, no end of foreign guests; you would not have the endless number of citizens that they soon become here. The American political spirit is a combination of the spirit of individual liberty with the spirit of equality. Liberty alone would not convert the foreign immigrant into a new citizen; we do not hear of foreigners taking the nationality of the free Euro-

pean countries to which they emigrate. Equality is a more powerful agent. The European immigrant rises socially in America, and that is what makes him wish to be an American. But if your progress did not offer him something also of which to be proud as a citizen, he would not take so generally a new nationality. It is the progress of your country, the place it has made for itself in the world, that helps with national pride the spirit of liberty and equality in winning over to you the millions of immigrants who try life in America. Intercourse with you would teach the American countries the secret of winning over the immigrants that come to them and of attracting them in larger numbers. That would be by far the most useful teaching they could receive, because when they knew and succeeded in transforming into true citizens their immigrants, the great national problem would be solved for each of them. To understand that they must all be immigration countries and to create the proper immigrant-*habitat* they need study immigration in your laboratory.

I would not end if I attempted to mention all the good that Latin America would derive from a close intercourse with the United States. What you perhaps would prefer to hear is what good would you derive from that intercourse. I will tell you frankly that that good would be, at first, only the good that comes from making friends; but I believe there is no more substantial good than that for a nation which is the leader of a continent.

The question is to know if you have made up your mind that this continent should be for each of its

nations a prolongation of her native soil; that some kind of tie should make of it a single moral unit in history. Was the Monroe doctrine inspired to you only by the fear of seeing Europe extending its parallel spheres of influence over America, as it has later on done over Africa, and as it almost succeeded in doing over Asia, endangering in that way your solitary position? Or were you also moved by the intuition that this is a new world, born with a common destiny? I strongly believe that the Monroe doctrine was inspired even more by this American instinct, take the word *American* in the sense of continental, than by any fear of danger to yourselves. By all means in that *doctrine* was outlined a whole foreign policy, from which this country has never swerved, from Monroe to Cleveland and to Roosevelt, from Clay to Blaine and to Root. This constancy, this continuity, is the best proof that your American policy obeys to a deep continental instinct, and is not only a measure of national precaution and self-defence. That policy has kept you away from the maze of European diplomacy, in which without the Monroe doctrine you would probably have been induced to enter.

One understands very well the traditional reluctance of the United States to contract war alliances. The allies of to-day are the rivals of a few years ago, and the system of alliances must ever be a revolving one. But there is a foreign policy that is passing and dangerous and another that is permanent and safe. The passing foreign policy is any by which a nation secures help thinking of herself only, that is, by which it uses another nation as her instrument;

the permanent foreign policy is that by which a nation tries to accomplish with another a common destiny. The difference between the permanent and the temporary foreign policy is that the latter must take the form of a written alliance, of a formal engagement, with a fixed term of duration. Alliances are transitory, unelastic and full of dangers, while the spontaneous concurrence in the same lines of action is the natural development of each nation's destiny. Alliance supposes war; free co-operation supposes peace and mutual help through sympathy and good will. You keep away from *the entangling alliances* which the Father of your country deprecated, and yet a concentration of the American republics with the idea that they all form, under different flags, a single political system is already a moral alliance.

This idea has made much progress in the last four years, and I trust it will not lack in this country the enthusiasm it needs to grow. Secretary Root's visit to Latin America will indeed remain a historical landmark in the relations of our continent, like Monroe's message of 1823, and Blaine's initiative of the Pan-American movement. One can call this policy a dual creation, because, if Blaine moulded the group of the united American nations, it was Root who put in it life and movement.

The Pan-American conferences, besides the work they achieve with their periodical meetings, do much good simply by being a permanent institution. In this way they act even during their intervals of four years. Take the movement which led to the experiment now being tried in Central America, of an inter-

national court, which is really an essay of organized Peace in a region so much tried by political shocks. You can see in it the development of the interest which the United States has frankly avowed of seeing order and peace permanently established beforehand in the whole zone around the future Panama Canal; but no doubt the co-operation of the United States, and Mexico, with the Central American republics was a development also of the mutual confidence created through our continent by the Pan-American conferences, chiefly by the last one of Rio Janeiro. It would be indeed a pity if those proud and brave little nations, whose citizenship is open to each other in a spirit unknown among any other countries of the world, did not succeed in reducing politics to a contest under strict rules to be maintained by their own appointed umpires. The Carthago Court should be hailed as one of the most deserving of modern political undertakings. All America is in sympathy with those brave small communities, strongly imbued with the national spirit, in their effort to create a Peace Amphictyony in the tract of land dividing the two oceans and uniting the two Americas.

But the Pan-American conferences are not sufficient to carry out the idea which inspired their creation. No doubt the governments speak in them for the nations and the views they present are national views, which would have the support of all the parties; but congresses of official delegates do not touch at the delicate points, which there is everywhere a tendency to hide from public view. The Pan-American conferences are diplomatic assemblies; the peoples do

not mix in them to tell each other their wrongs, to appeal to each other's sympathy; the question of the internal progress of any community is not one in which diplomacy could openly help. So, by the side of our conferences, there is place for a larger factor, to which Mr. Root has once alluded: for a Pan-American public opinion.

In our days we have seen the parliamentary principle more or less recognized by the old absolute monarchies: Russia, Japan, Persia, and now Turkey. No one would wonder if China joined them. That is the best evidence of the leveling force of the world's opinion. This opinion of the world no doubt exercises already a considerable influence upon all the American countries. One cannot say that any American republic has been impervious to it. It would be absurd to imagine any nation of our continent insensible and closed to an influence which has affected and transformed politically Buddhist and Mahometan societies. Revolution has become much rarer in Latin America. In regions where it used to be frequent it has not been heard of for nearly half a century; the area where revolution continues active at long intervals has become much reduced; but even where revolutions occur frequently the old general revolutionary state of anarchy has ceased to exist, order is always shortly restored. Revolution seems the act of the man to whom the power of keeping order has passed; it is a terrifying storm, but no longer a sweeping hurricane. Still, together with that distant and dispersed opinion of the world, which has already done much, we need a common American opinion,

magnified by concentration and by direct reflection from nation to nation.

Only the progress of that opinion can, for instance, render obsolete the right of asylum. The Positivist saying is as true as it is deep: "One only destroys what one replaces." You cannot destroy the right of asylum, if you do not put in its place some other thing that will fulfill better the function which called it forth. That "right" was only replaced in the world by the progress of justice. If law and justice were to become intermittent, the right of asylum would again reappear everywhere. This is one of the most ancient and the noblest traditions of mankind. You could not suppress it by killing pity and generosity; they cannot be killed; you can only suppress it by increasing the protections of the law and the sense of justice.

A common American public opinion will polish to the greatest perfection the political institutions of all the American States, but that general opinion is still in formation. Its initial or preparatory phase is bound to be continental publicity; publicity, not only unfettered, but dispassionate, enlightened and true, beginning with inviolate freedom of the press. When that opinion will be fully grown, the membership of the union of the American republics will mean immunity for each of them, not only from foreign conquest, but also from arbitrary rule and suspension of public and individual liberty.

In the influence of that opinion common to all America a large part is reserved to the universities of the continent, to its educators, and none of our countries could be compared to yours for the extent and

the multiplication of its educational works. No doubt the principal agents of that opinion will be the book and the press. Allow me to express the hope that in all our countries the writers will think of the sensitivity of the foreign nations. Sympathy is always necessary to do good. First of all one should educate himself to tolerate diversity in the human race. The world would be very near its end, if all the countries spoke the same language. Let all feel sure that God must have had some good reason for creating different human races, instead of only one. By accustoming themselves to this idea the foreign critic will have more forbearance, more patience, will make greater effort to understand, and with that his interest will grow, his mental range will become enlarged and he will then be able to improve, instead of only exasperating, the condition with which he finds fault.

Understanding that the reason for my being here was your wish to show interest in the new Pan-American policy, I have made of that policy the theme of my address. I hope I was not wrong in the belief that the subject was in harmony with the spirit of the present occasion. This ceremony could be compared to the launching of new crafts on the sea of American active citizenship. At the starting of their career, I wished to express to them my earnest hope that together with the world-wide transformations to be brought about in their time, and which we cannot even imagine, they will see all the States of the two Americas knowing, loving and entertaining each other as members of one same family among the nations.

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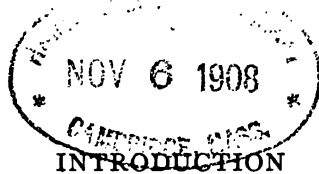
BY

J. S. WILLISON

Of the Toronto News

OCTOBER, 1908, NO. 11

American Branch of the Association for International Conciliation
Sub-station 84 (501 West 116th Street)
New York City



The Association

The Executive Committee is glad to have the opportunity to present to the readers of its Documents the following outspoken statement of the relations between the United States and her nearest and closest neighbor. The article is by a Canadian and is frankly from the Canadian point of view and, for this reason, is all the more valuable to readers in the United States.

The pamphlet is one of a series upon the common social, intellectual and commercial features in the life of the people of the United States and other countries. Documents have already been issued dealing with Japan, with the South American States, and with France, and others of the series on the United States and England, Germany, Italy, Spain and Mexico are in preparation.

So far as the editions of these documents will permit, copies will be sent postpaid, upon publication, to those persons who make written application therefor, and the Committee will be glad to send additional copies to any names and addresses suggested by correspondents, either as being those of persons interested in the work of the Association as a whole, or in the relations of the United States and any particular country or countries.

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AMERICAN BRANCH,
SUB-STATION 84, NEW YORK.

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THE UNITED STATES AND CANADA

During the war between the United States and Spain a movement was set on foot in Canada for the organization of a League which should be devoted to the cultivation and maintenance of good relations between the Dominion and the Republic. Nothing substantial was accomplished, and possibly there was no adequate reason for organized action to express good will towards the American people. Inspired by British example, however, the press and public men of Canada were entirely sympathetic and correct in all their utterances during the conflict, and Canadians came to understand, as never before, the prescience of British statesmen in seeking a good understanding with Washington and the high disciplinary value of international responsibilities.

There have been two abiding causes of friction between this country and the United States,—the tariff and the fisheries. Canada has often felt that Washington has been hard and unneighborly, and that its claims and contentions have not received adequate support from the British authorities. The abrogation of the Reciprocity Treaty of 1854, and, later, the termination of the fishery clauses of the Treaty of Washington caused irritation and commercial disturbance in Canada. The failure of Congress to ratify the Fisheries Treaty of 1888 was deeply regretted as prolonging a source of friction and danger between the two countries. The McKinley and Dingley tariffs

bore heavily upon Canadian trade with the United States, and Cleveland's Venezuela message was resented by the mass of the Canadian people. Again, the Alaskan Boundary Award was believed to express a diplomatic rather than a judicial settlement, and the refusal of the Canadian Commissioners to sign the treaty naturally excited a feeling in Canada of dissatisfaction alike with Washington and with Westminster.

All this is said not in order to revive old animosities or to emphasize grounds of difference, but to illustrate the intimacy of the political relations between the two countries, and the necessity for dealing with these relations in a judicial temper and with the prudence and wisdom of a responsible statesmanship. One result of the fiscal measures of Washington was to force Canada into closer trade relations with Great Britain, and to compel Canadian farmers to adapt their products to the British market. This necessitated a revolution in Canadian agricultural methods, and during the process of transition the producers of the country lay under a serious depression. In the course of a few years, however, the country adjusted itself to the situation. Now the farmers of the older Provinces confine themselves chiefly to the production of cheese, butter and bacon and to the various branches of stock raising, and these, like the grain crop of the West, find a market mainly in Great Britain. Contemporary with this change in agricultural methods the country proceeded energetically with the improvement of its waterways, the extension of its railway system and the settlement of the western territories. The net result of this vigorous policy of internal development and

western settlement, assisted by a period of world-wide prosperity, was to change materially the national outlook and to check any movement for reciprocal trade relations with Washington.

With the revival of agriculture, through trade with Great Britain and the increasing market for Canadian manufactures in the expanding West, the United States market naturally became less necessary to Canada, and the prejudices and irritations which a tariff war breeds began to soften and disappear. With national growth came fiscal independence and with fiscal independence a better feeling toward the Republic. Moreover, the improving relations between Great Britain and the United States has sensibly affected opinion in Canada, while in all recent dealings with Washington, and in the general utterances of American statesmen and American newspapers affecting the Dominion there has been little or nothing to excite protest or to give ground for resentment. It is fair to remember that if the weaker nation is likely to be the more sensitive, it is certain to answer quickly to considerate treatment from a powerful neighbor.

It is understood that Sir Wilfrid Laurier, the Prime Minister of Canada, who cherishes a high regard for the American people and American institutions, and is invariably courteous and sympathetic in his references to the United States, endeavored in 1898 and 1899, through the medium of the Joint High Commission, which sat at Quebec and Washington, to effect a permanent adjustment of all outstanding differences between the two countries. The position of the Canadian Prime Minister was that a treaty which covered only a few of the questions under consideration and

left other problems unsolved could give no guarantee of complete and enduring amity. He strove, therefore, for a wide and comprehensive convention. An enumeration of the subjects considered illustrates very completely how many points of contact there are between the two countries. These embraced trade relations; reciprocity in wrecking; uniform close seasons for fishing in the Great Lakes and contiguous waters and regulations for restocking the sources of supply; the convention of 1817, which limits the number of war vessels to be maintained on the Great Lakes and a proposal to permit vessels constructed at American lake ports to reach the sea through the Canadian canals; the alien labor laws affecting workmen passing between the two countries; the railway bonding system; the abrogation or purchase of Canadian rights in the fur fisheries of Behring Sea; the boundary between Canada and Alaska; and the settlement of Canadian rights in the Atlantic fisheries.

It is believed that outside of the fisheries, reciprocal trade, and the Alaskan boundary, the British and American plenipotentiaries reached a substantial basis of agreement. Now, however, the trade issue has ceased to be acute. Canada no longer seeks tariff concessions at Washington nor quarrels with American fiscal legislation. The policy of both political parties in Canada has become frankly protectionist. The fiscal attitude of the United States has ceased to be an issue in Canadian political contests, and the consideration of Canadian industrial interests is not influenced by international enmities. Any disposition at Washington to lower duties on Canadian products would be sympathetically regarded by the Canadian

people, but the maintenance of existing imposts, or of any tariff which did not directly discriminate against the Dominion would not be treated as a ground of offense to that country. There is reason to think that the Canadian Parliament will continue to give preferential treatment to British goods, and it is assumed that this is a domestic question, a question within the Empire, a course of policy to which the American Congress can take no exception. There is nothing, therefore, in trade relations to prevent a good understanding between Canada and the United States, while the Alaskan Boundary has been removed from the field of international controversy.

Good progress is making towards common regulations for the protection of the lake fisheries, and there have been recent instances of vigorous action by the American authorities to compel their observance by American fishermen. The Waterways Commission has been engaged for many months in determining the rights of the respective countries in international waters, devising measures for the protection of the scenic beauty of Niagara; for maintaining lake levels, and for the settlement of other conflicting interests along the far-running international boundary, in a judicial temper and with a sensitive concern for the fair claims of both countries and the circumstances of the various local communities affected, which has contributed greatly to good feeling between Ottawa and Washington, and is likely to result in such settled methods of procedure for the future as will ensure that deliberation and investigation which are the best safeguard against intemperate political agitation and premature legislative action. We come last to the

Atlantic fisheries, where Canada believes its rights under the treaty of 1818 have never received adequate recognition from the American Government.

Under this treaty United States fishermen may enter the bays and harbors of Canada only for the purpose of repairs and to procure wood and water. It is contended, however, that this clause does not cover the Bay of Fundy and the Bay of Chaleurs and that American vessels may be excluded only from bays that are less than six miles wide at the mouth. In effect, the Americans claim the right to fish anywhere within three miles from the land, while Canada claims that the line should be drawn from headland to headland, and that fishing should not be permitted within three miles from the coast line as so defined. The interpretation of this treaty has led to serious misunderstanding and even to danger of conflict. Practically the treaty has been in abeyance since 1888 and American fishermen operate in Canadian waters on payment of a license fee under a *modus vivendi*. In the eighties, following the termination of the fishery clauses of the treaty of Washington, Canada entered upon the vigorous enforcement of the treaty of 1818. American vessels were seized, some were condemned and all craft seeking to poach upon the Canadian fishing grounds were harassed by government cruisers. As a result, American opinion was inflamed and a very serious situation developed.

There was some feeling in Canada that the operations of the protective fleet were unnecessarily spirited and in the United States there was harsh characterization of the treaty of 1818 and angry denunciation of the policy of the Canadian authorities. It was

contended that the spirit of the old treaty was harsh and unneighborly; that its provisions were repugnant to the relations which should exist between friendly communities, and that the attitude of Canada was aggressive, defiant and obnoxious to the prestige and dignity of the United States. Out of this situation came the treaty of 1888, which Congress failed to ratify, and the modus vivendi which still governs the operations of American fishing vessels in Canadian waters. Now, however, it is reported that the whole question of American fishing rights in the coast waters of Canada and Newfoundland will be submitted for final adjudication to the Hague Tribunal, and there is no doubt that any such reference will be welcomed and the subsequent decision cheerfully accepted by the great body of the Canadian people. Thus would disappear the one outstanding danger to permanent good relations between the two countries and the one sense of grievance which Canada entertains toward the neighboring country.

It hardly needs to be said that the forces which make for unity and co-operation vastly outweigh the influences which tend to friction and separation. American capital is invested in many Canadian enterprises. Tens of thousands of American settlers are finding homes in the Prairie Provinces and by common consent constitute one of the best elements of the population. Still cherishing a natural affection for the Stars and Stripes, they are loyal citizens of Canada and bound to be influential in determining the character of Canadian institutions. On this continent will centre the empire of the English speaking races, and, for good or evil, all nations which speak the English

tongue will show something of its temper, borrow something of its customs and yield something to its ascendancy. Canada, in particular, must be profoundly affected in its social fashions, in its political life, and in the general type of civilization which it develops by its close geographical relation to the United States. In art and letters there are no national divisions. Organized labor tends to become an international unit. Employers' organizations assume an international character. The universities have great common aims and interests. Upon either side we follow with eager sympathy the strivings of the masses for social and political betterment and the faithful labors of statesmen and scholars and philanthropists and reformers for the extension of knowledge, the alleviation of human distress and the abatement of evil circumstances and conditions. In the work that is best worth doing the two countries have common aims, and it should not be difficult to import into international relations the spirit which characterizes all their endeavor for social improvement and for industrial and political reform.

More and more Canada recognizes the limitations of national courtesy and the responsibilities of national sovereignty. The Dominion becomes more and more an independent nation within the British Empire, and more and more the dominant partner in all international negotiations affecting British interests in North America. This is not to say that Canada will always subordinate Imperial interests to Canadian interests, but only that it shall have the determining voice in any diplomatic settlement affecting Canada, and that Canadian interests shall rank as Imperial interests in

future negotiations with the United States. In this way, Canadians believe, lie peace, co-operation and good neighborhood. They desire only rational trade relations, a fair observance of treaties and a frank recognition of their right to make their own position on this continent. Whether the principle of freedom or of restriction shall prevail in their commercial relations rests with Congress. They do not ask the government at Washington for privileges in American markets for which they cannot give compensation in Canadian markets. They do not ask for privileges for Canadian railways that are not fairly earned by services rendered to the border communities and to American through traffic. They do not seek through deliberate unneighborliness to deny the American people fair access to their natural resources. But they do not think the United States should quarrel with Canadian legislation that is designed to secure for Canadians the largest benefits from these resources, or that Washington should expect Canada to welcome American legislation that may be designed to make its resources tributary to the progress and prosperity of American communities.

It is Canada's right and privilege to legislate with a single eye to Canadian interests. It is likewise its right and privilege to establish a preferential trading relationship with Great Britain. It would be unwise and ungenerous to discriminate against the United States for the advantage of any foreign country or to endeavor to effect estrangement between Great Britain and the Republic. It is plain to all the world that Great Britain desires a good understanding with Washington and is deaf and blind even to unsympathetic

manifestations of American opinion. International good manners marks the completed civilization of a people and it comes only from responsible dealing with world problems. In a common speech and a common faith there should be the seeds of good neighborhood and out of a common devotion to the higher ends of civilization should come mutual sympathy and co-operation. In the ancient monarchy of Britain there is no menace to free institutions and no bar to co-operation between Washington and Westminster.

Natural guardians of constitutional freedom, natural allies in social and political reform, natural coworkers for the moral elevation of the race, estrangement between these countries is unnatural and unchristian; a war between these countries would be a crime against civilization. Hence these two great English speaking nations should agree to submit all cases of dispute and misunderstanding to an arbitration tribunal and should empower the responsible ministers of each country to seek judgment from this tribunal independent of congressional or parliamentary initiative and authority. The vanities of power and possession are as native in a democracy as in any despot-ruled, war-making empire the world has ever seen; aggression easily assumes the disguise of a crusade for the protection of national honor, and a whole people go mad with the lust of conquest. Here lies the necessity for a permanent tribunal and means for its instant and effective operation. Preparatory to the creation of this tribunal there should be a comprehensive adjustment of all outstanding differences between the two countries. It is essential that the settlement should be complete and comprehensive, for we gain little if

we effect one adjustment to-day and leave other controversies raging and other issues unsettled. Thus may we realize Thomas F. Bayard's vision of "a well assured, steady, healthful relationship, devoid of petty jealousies and filled with the fruits of a prosperity arising out of a friendship cemented by mutual interests, and enduring because based upon justice."

J. S. WILLISON.

Credit must be given likewise to the ententes now existing between England, France, and Russia. During the period when the crisis was at its height, the negotiations among these powers were conducted with a frankness and cordiality which were undoubtedly facilitated by the previous good understanding. Certainly this may be regarded as an illustration of how friendly relations cultivated assiduously in time of peace may be conducive to judicial calm in critical situations.

Thus a great political revolution has taken place; a general European settlement has been violently overturned; Austria has been guilty of aggression akin to that of Russia in times past; every pretext has been afforded for some militant power to precipitate a conflict; and yet pacific councils have prevailed. High talk about "the glory of France" so characteristic of the Second Empire has been conspicuously absent from the French press. England has found no responsible political leader to emulate the example of the flamboyant Beaconsfield and call for the war dogs to avenge the attack upon "the integrity of Turkey." Everywhere in the voluminous discussions of the upheaval, there is a note of moderation and good sense. Instead of the reckless abandon of old fashioned militarism, there is a sane conservatism born of the clear recognition of the responsibilities assumed by the Power that dares cast the first fire-brand. Surely without undue optimism, this happy escape from the crisis may be deemed a triumph for the cause of peace.

CHARLES A. BEARD.

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INTERNATIONAL CONCILIATION

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THE LOGIC OF INTERNATIONAL CO-OPERATION

Extracts from an Article printed in the *Albany Review* of London



BY

FRANCIS W. HIRST

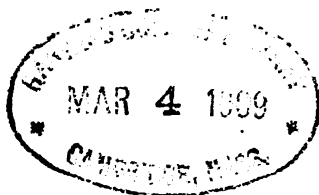
Editor of the *London Economist*

JANUARY, 1909, NO. 14

American Association for International Conciliation

Sub-station 84 (501 West 116th Street)

New York City



The Association.

As the *Albany Review* has ceased publication and copies of the numbers issued are not readily available in the United States, we are glad to give a wider publicity to the views of an economist of international reputation by reprinting from the columns of the *Review*, with a title of our own selection, some significant paragraphs from a recent article by Mr. Francis W. Hirst, editor of the *London Economist*.

THE LOGIC OF INTERNATIONAL CO-OPERATION

Extracts from an article printed in the *Albany Review* of London,
by Francis W. Hirst, Editor of the *London Economist*.

....The idea of international co-operation as a means of lessening the dangers and mitigating the brutalities of warfare, of improving the laws and customs that regulate international intercourse, and finally of reducing the awful and ever-growing burden of competitive armaments is not new. Dante dreamed of a model emperor under whose wise control all nations would dwell in peace. Marsilio of Padua thought of a universal democratic church, whose ecumenical councils might reflect a republican union of states. Erasmus marvelled how Christians, "members of one body, fed by the same sacraments, attached to the same Head, called to the same immortality, hoping for the same communion with Christ, could allow anything in the world to provoke them to war." Disputes between nations, as between individuals, there must be; but why should not all parties agree to submit to the old Roman arbitrament of good men? And might not a general peace be brought about in the Christian world by agreement between the rulers under the hegemony of Pope and Emperor? The dreadful wars of the Reformation converted at least one calculating statesman into an idealist. The Grand Design of Henry the Fourth sprang, in all probability, from the brain of Sully, in whose Memoirs it

stands recorded, an imperishable monument of political sagacity. A treaty "done at the Hague," between Henry of Navarre, Elizabeth and the Dutch Republic, was clearly intended to pave the way for this great League of Peace. Twenty-two years later Hugo Grotius was imprisoned in the Dutch capital, and afterwards taking refuge in France prepared and published his immortal work on the Law of War and Peace.....

In the eighteenth century, wrote Sir James Mackintosh at its close, "a slow and silent but very substantial mitigation has taken place in the practice of war;¹ and in proportion as that mitigated practice has received the sanction of time it is raised to the rank of mere usage and becomes part of the law of nations." It is in a large measure due, he adds, to the labors of Grotius and his disciples that these results have been achieved. They have given us instruments of reasoning and materials of science, and so the code of war has been enlarged and improved, old questions have been decided to the benefit of all, and new controversies have arisen which will in their turn make for the extension of peace and the improved happiness of mankind. It was not without reason that toward the end of his life Mackintosh, looking back on the period 1630-1830,

¹ Especially in the treatment of captives; cf. the chapters of Grotius' Third Book on *Temperamentum circa Captivos*.

placed the *De Jure Belli ac Pacis* first among the four books² that had most directly influenced the general opinion of Europe.

It would be tempting, if space allowed, to pause and consider in detail how the Grand Design of Sully was elaborated by William Penn and the Abbé de Saint Pierre and Jeremy Bentham; how the system of Grotius was developed by Puffendorf, De Mably, Galiani and other international lawyers; how, while Turgot, Adam Smith and Franklin showed the fatal consequences of war to commerce and industry, Kant destroyed its philosophic basis and justified the thought of perpetual peace as the righteous and probable sequel to the growth of lawful and representative government. Many of the ideas then first thrown out have been adopted in whole or in part. With the nineteenth century the practical movement begins, and the missionaries of peace who should have prepared the way for the Abbé de Saint Pierre began to preach the new gospel of goodwill among nations. In the hands of men like Cobden and Bright "the thing became a trumpet," with the heroes of free trade on her side. Peace could no longer be slighted as the obscure goddess of an almost unknown sect. Scoffers continued to laugh at the movement, but they could not laugh it down. Cobden was far

² The other three being *The Essay on the Human Understanding*, *The Spirit of the Laws*, and *The Inquiry into the Causes of the Wealth of Nations*.

too wise, of course, to expect large changes to come about on a sudden. But he put forward in 1849 a practical programme upon which efforts might be concentrated. I will give the message in his own words:—"Let the Peace Congress, which is spreading its roots and branches far and wide throughout the world, proclaim these four cardinal principles of faith and heart—arbitration instead of war; a simultaneous reduction in armaments; the denunciation of the right of any nation to interfere by force in the domestic affairs of any other nation; the repudiation of loans to warlike governments." To these he added the abolition of the right of belligerents to destroy peaceful commerce and merchant shipping in war time. At a great Peace Conference held in Paris in the same year, over which Victor Hugo presided, Cobden proposed a resolution in favor of a simultaneous and proportionate reduction of armaments, illustrating his theme by the history of the rivalry between the British and French Admiralties. Each addition by one led to a proportionate addition by the other, and for a long period of years our Fleet and Naval Estimates had stood in the relation of about three to two as compared with the French Fleet and the French Naval Estimates. Yet in 13 years of peace the cost of both had risen 50 per cent.:—

"No sooner is the keel of another line-of-battle ship laid down in your dockyards than

forthwith fresh hammers begin to resound at Plymouth; a new forge has hardly begun to work at Cherbourg when immediately the sparks are seen to fly from fresh anvils at Plymouth, and *vice versa*. My first objection to this is its supreme folly—for as both countries increase their naval strength in equal proportions neither party has gained by the change, the only result being a pure waste to the amount of the augmentation. My next objection is the extreme hypocrisy of the system; for at the very time that all this increase of armament has been going on our respective Governments have been exchanging assurances of mutual feelings of friendship and goodwill. If these professions were made in sincerity and truth, where was the necessity for more ships of war and more coast defences? An individual does not cover himself with armor in the presence of his friends. But my greatest objection to these vast armaments is that they tend to excite dangerous animosities between two nations and to perpetuate fear, hatred and suspicion—passions which find their gratification instinctively in war.”

How plain and how simple! But Cobden quietly warned his audience not to entertain the illusion that they would easily succeed in teaching this little arithmetical lesson to Governments. “I speak from long experience when I say that none are so difficult to teach as professional statesmen. They are so devoted

to routine and so fortified in self-sufficiency that they do not easily believe that wisdom exists in the world excepting that which radiates from their bureaux." To-day Englishmen may well be proud that a proposition based upon this simple arithmetical truth was, at the Second Hague Conference, laid by our Government before the representatives of all the civilized nations of the world. Whatever may be the immediate results of this proposal it will most assuredly bear fruit of inestimable value. It is an achievement not less important than the decision of Mr. Gladstone's Government to submit the Alabama claims to arbitration. In the Temple of Peace, Sir Henry Campbell-Bannerman will stand on a pedestal with Cobden and Gladstone.....

Fortunately time is on our side. Every year that passes increases sea-borne trade and complicates the already complex system of insurances. A modern ship suggests the analogy of a modern shop. Both are probably owned by a company. The fact that the manager or captain is a German does not prove that the shareholders are German. Nor if they were does it follow that the loss or capture of the vessel would injure them. It may be a liner in which British capital is embarked. The cargo may be mainly British or neutral. Both the vessel and cargo may be insured in British or neutral insurance companies. It is all very well for naval and military

experts to talk at large about the damage we could do Germany by sending such a ship to the bottom in time of war; but the more one inquires into the complexities of the shipping trade the more uncertain does this theory become. Indeed, the practical dangers and difficulties are already so great that the system would most likely break down in practice, as the old system did in the Crimean War. If a naval war were to break out between two commercial Powers I think they would probably begin with a reciprocal agreement to let non-contraband private property and shipping severely alone. Besides, is not the occupation of commerce-destruction and prize-hunting on the open seas too odious to be tolerated by civilized opinion? It is a good while now since piracy was regarded as an honorable calling. Prize law is the last relic of this sport, and it ought to be restricted to contraband carriers, even at the risk of hurting the feelings of Professor Holland. Another objection to the practice which has been pointed out by a member of the Board of Admiralty is that the modern type of cruiser is not adapted for privateering. She can ill spare men for prize crews. She has no room, of course, for cargo, and the inconvenience of taking the passengers and crew of a large vessel on board is very great, even if the captain is prepared to take the responsibility of sending it to the bottom.....

With regard to the contrabands of war, it is the

opinion of those who have given most thought to the subject that the only way to put the law upon a sound basis is for the Powers to sign an international convention containing a list of contraband articles which shall be binding upon all belligerents. Of course such a list could be revised and modified periodically. When contraband is regulated by international convention and the right of belligerents to make law upon the subject in their own interests has been put an end to, a fertile source of international complications will be removed and a danger which perpetually threatens to extend the area of hostilities and has been responsible for many wars in the past will at length disappear. When the two reforms above suggested have been carried, the laws of property and commerce in naval warfare will have been brought into conformity with the following principle:

All trading vessels, whatever their flag or nationality, should be exempt from capture or destruction unless they carry contraband.

Here is simplicity, common sense and justice. The present system has none of these virtues. It is complicated, stupid and unfair. With the reform of the law of contraband is closely associated the constitution of Prize Courts. The same international convention which gives a real international character to the law of contraband should also give a real international character to the Courts which ad-

minister it. Sir John Macdonnell has stated the case with admirable brevity. "The present composition of Prize Courts," writes this eminent authority, "is objectionable, and especially unsatisfactory to neutrals. A Prize Court, as usually constituted, sits in the territory of the belligerent which happens to be the captor; it is composed of the judges of the captor's country; sometimes it is an administrative body. If there is an appeal it is to the belligerent's Court. In this Court the neutral who seeks restitution of his property is claimant; it is not for the captor to justify what he has done; the burden of proof lies on the owner." To remedy this state of things the Powers at the Hague might very well agree that in future Prize Courts shall be invested with a truly judicial character, and that an appeal shall lie from their judgments to the Hague Tribunal.

In the whole sphere of politics there is perhaps no study more sublime than that of international law. But there is always the danger of its discussion being confined to experts and of its care being relegated to small-minded officials. To prevent this misfortune and to associate himself with the free discussion of these great concerns should be the object of every good citizen. It is not enough to take a part in local and domestic politics. There is nothing more vital to the security and social progress of his own country than the improvement of its relations with other

States, the creation of machinery for the peaceful settlement of disputes, and the adoption of conventions for mitigating the horrors of war. If the Hague Conference did no more than spread the knowledge of international rules and excite interest in proposals for their reform, its existence would be amply justified. As time goes on the work of the Congress and of the Tribunals will become more and more important, and nations will be more and more concerned to see that they are properly represented in the international parliament. But as Mill pointed out in his address at St. Andrew's in 1867, nothing can excuse citizens from the duty of aiding in the formation of public opinion on international questions. "Let not any one pacify his conscience by the delusion that he can do no harm if he takes no part and forms no opinion. Bad men need nothing more to compass their ends than that good men should look on and do nothing. He is not a good man who, without a protest, allows wrong to be committed in his name, and with the means which he helps to supply, because he will not trouble himself to use his mind on the subject." In short, it depends on the habit of watching and criticising public transactions, and upon the knowledge and solid judgment of them that exist within it, whether a nation shall prove itself at home and abroad selfish, corrupt and tyrannical, or rational, enlightened, just and noble.

The Executive Committee of the American Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects.

For the information of those who are not familiar with the work of the Association for International Conciliation, a list of its publications is subjoined.

1. Program of the Association, by Baron d'Estournelles de Constant. April, 1907.
2. Results of the National Arbitration and Peace Congress, by Andrew Carnegie. April, 1907.
3. A League of Peace, by Andrew Carnegie. November, 1907.
4. The Results of the Second Hague Conference, by Baron d'Estournelles de Constant and Hon. David Jayne Hill. January, 1908.
5. The Work of the Second Hague Conference, by James Brown Scott. January, 1908.
6. Possibilities of Intellectual Co-operation Between North and South America, by L. S. Rowe. April, 1908.
7. America and Japan, by George Trumbull Ladd. June, 1908.
8. The Sanction of International Law, by Elihu Root. July, 1908.
9. The United States and France, by Barrett Wendell. August, 1908.
10. The Approach of the Two Americas, by Joaquim Nabuco. September, 1908.
11. The United States and Canada, by J. S. Willison. October, 1908.
12. The Policy of the United States and Japan in the Far East.
13. European Sobriety in the Presence of the Balkan Crisis, by Charles Austin Beard. December, 1908.
14. The Logic of International Co-operation, by F. W. Hirst. January, 1909.

Up to the limit of the editions printed, any one of the above documents, or the copies of this Monthly *Bulletin*, will be sent postpaid upon receipt of a request addressed to the Secretary of the American Branch of the International Conciliation, Post Office Sub-Station 84, New York, N. Y.

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visits of Japanese to Europe. All of which is most commendable, and such international kindness will certainly bear good fruit. When, however, we add that there are probably a thousand Japanese who know the English or French language where there is one Englishman or Frenchman who knows Japanese, we are simply stating that the necessity is on us to have a movement of students towards the East.

If it be true that Japan knows all the nations better than any other nation does, then we might well recognize Japan as the teacher of nations in the art of knowing and understanding one another. If Japan had not had thousands of scholars educated in America, among her military and civil officers, on her daily press, among her educators, scattered all through the country, men who know and trust the real heart of America, and so were able to refute the slanders and insinuations of our agitators, and also to prevent the influence of a similar class in Japan, that delightful welcome of the Commissioners from the Pacific, and that amazing welcome of our fleet would have been impossible. And it would have been impossible for Premier Marquis Katsura to have said as he did with emphasis on November fourth, "I have never doubted the sincere friendship of the United States. . . . *In Japan both government and people are absolutely one in their friendship for the United States, and belief in your friendship for us.*"

It is this vast barrier of ignorance of the languages and therefore of the heart of the peoples of the East that constitutes a standing peril to international good will. The remedying of this ignorance is one of the most pressing steps to be taken in order that the millions of the East and the millions of the West may come together on lines of mutual friendship.

J. H. DE FOREST

Sendai, Japan.

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AMERICA AND THE NEW DIPLOMACY



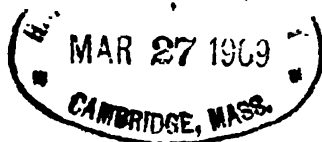
BY

JAMES BROWN SCOTT, J.U.D.

Solicitor for the Department of State

MARCH, 1909, NO. 16

American Association for International Conciliation
Sub-station 84 (501 West 116th Street)
New York City



the Association

The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects.

For the information of those who are not familiar with the work of the Association for International Conciliation, a list of its publications is subjoined.

1. Program of the Association, by Baron d'Estournelles de Constant. April, 1907.
2. Results of the National Arbitration and Peace Congress, by Andrew Carnegie. April, 1907.
3. A League of Peace, by Andrew Carnegie. November, 1907.
4. The Results of the Second Hague Conference, by Baron d'Estournelles de Constant and Hon. David J. Hill. January, 1908.
5. The Work of the Second Hague Conference, by James Brown Scott. January, 1908.
6. Possibilities of Intellectual Co-operation Between North and South America, by L. S. Rowe. April, 1908.
7. America and Japan, by George Trumbull Ladd. June, 1908.
8. The Sanction of International Law, by Elihu Root. July, 1908.
9. The United States and France, by Barrett Wendell. August, 1908.
10. The Approach of the Two Americas, by Joaquim Nabuco. September, 1908.
11. The United States and Canada, by J. S. Willison. October, 1908.
12. The Policy of the United States and Japan in the Far East.
13. European Sobriety in the Presence of the Balkan Crisis, by Charles Austin Beard. December, 1908.
14. The Logic of International Co-operation, by F. W. Hirst. January, 1909.
15. American Ignorance of Oriental Languages, by J. H. De Forest. February, 1909.
16. America and the New Diplomacy, by James Brown Scott, March, 1909.

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AMERICA AND THE NEW DIPLOMACY

The discovery of America opened up a new world; the independence of the United States a new diplomacy.

The discovery of America opened up a world to the broken and depressed of Europe and gave them an opportunity to begin life anew in a world in which there were no traditions of the past, no limitations to the future and which they might fashion according to their will. From all lands they came, from Protestant and Catholic communities, from countries speaking various and discordant languages, the man of unconquerable mind and the broken in spirit, the rich and the poor, the criminal and the outcast. Freed from the restraint of the Old World they bred a race of Freemen. By the sweat of their brow they prospered, and unwilling to surrender the proceeds of their industry and devotion or to yield to the Old World what they had acquired in the New, they maintained in war what they had acquired in peace. United by oppression or fear of oppression, they sank their differences of race, of religion, of language and tradition, founded a Republic and transmitted it to their offspring. Cast in the melting pot, they emerged from the crucible a Union, a Nation, which has stood the test of a Civil War at home and commands because it deserves respect abroad. The experience of the

United States established the simple doctrine that people of various nationalities may live side by side, that questions of religion are no barrier to union for the public good, and that groups of States possessing local self-government in the highest sense of the word may not only live in peace but safely entrust their foreign relations to a central and self-constituted authority, provided only that the Union be based upon justice, and that it be administered in the interest of the many rather than for the benefit of the few.

[A new nation without the traditions and surroundings of the past, with no powerful neighbors seeking its destruction, and able to husband its resources and devote them to peaceable internal development instead of squandering them upon petty ambitions which have turned Europe into an armed camp, and under the weight of which it staggers and groans, it was to be expected that this Republic, brought little by little into contact with the outer world, would develop a diplomacy in keeping with its ideals in which peace, necessary to the development of industry and commerce, would be a cardinal policy. But the peace which the Republic desired was the peace based upon justice and upon the observance of its dictates. The scrupulous observance of international duties and obligations in Washington's administration; the insistence that the rights which flow from the faithful performance of international duties be assured to the

Republic; that these rights be measured and tested by the principles of law rather than by an appeal to the sword, made an era in diplomacy. The right of a nation to pursue its ideal without hinderance from the world at large; that it be not drawn into controversies in which it has and can have no interest; that isolation is not synonymous with indifference laid the foundations of neutrality—the first fruits of the new diplomacy.

As we have grown and expanded, our interests have become greater and we are brought into daily contact with the world at large; but the recognition of the right of every nation to pursue peaceably its own development, provided that this development does not interfere with the normal and just development of any and all nations, has made it possible to maintain peace if nations really desire peace. We resist aggression now as we resisted aggression from Great Britain; but we now as then and always have been willing to test our rights by the principles of justice and international law, and we maintain and have maintained, in season and out of season, that no nation has the right to resort to war unless all other means of settlement have been tried and failed, and only then, if the importance of the occasion justifies, indeed compels, an appeal to arms.

We have found that a free and frank explanation of our views prevents controversy and that if controversies

exist they may be settled by the discussion of their causes, resulting in their removal. We do not use force in our private relations; we settle our disputes amicably, each renouncing, it may be, an extreme right or pretention to reach an agreement, and we believe that nations, which, after all, are but aggregations of men, may settle their controversies in the same manner. The policy of Washington in refraining from taking sides with Great Britain or France during the wars of the French revolution developed the law of neutrality, and it has been found that controversies arising out of an alleged infraction of neutrality, such as the Alabama claims, might be settled by arbitration instead of resorting to force, which settles a question of strength, not a question of right. The arbitration of the Alabama disputes has done more for the cause of arbitration and the peaceful settlement of international controversies than any other single event in modern times. And the resort to arbitration in these cases rather than the resort to force is simply the practical application, on a large scale, of the principle which Washington conceived and gave to the world.

The Treaty of Peace with Great Britain recognizing the Independence of the United States provided for the settlement of boundary disputes and the payment of sums due British creditors. The boundaries were not settled, the claims of British subjects were not

paid, the illegal capture of American merchantmen engaged in a legitimate trade with France which the United States as a neutral nation had a perfect right to conduct, generated bitterness of feeling and the two nations were drifting slowly but surely into war. To prevent this calamity, Washington sent John Jay, the Chief Justice of the United States, to Great Britain in order to settle the controversies or to provide means for their settlement. Jay was a trained lawyer and believed in the adjustment of irreconcilable differences by judicial means. Great Britain in the time of Cromwell had negotiated arbitration treaties and had settled various acute controversies by means of mixed commissions. When Jay proposed in Articles V, VI and VII of the Treaty of 1794, known by his name, Great Britain accepted the proposition, and the success of the Commission appointed in pursuance of Article VII, dealing with the complicated questions arising out of the illegal captures of American merchantmen, in violation of neutrality, offers the first instance of modern arbitration. The policy was not confined to Great Britain. We provided for arbitration of outstanding difficulties with Spain and France, and in the Treaty of 1814, concluding the unfortunate war with Great Britain, provision for the arbitration of various controversies between the two countries was made. Since then the United States has pursued the policy of negotiation by diplomatic means, and

where diplomacy has failed to secure an adjustment has insisted upon arbitration; for we should not, indeed we must not, demand from others that which a tribunal composed of indifferent and impartial judges would not award. The six volumes of Moore's International Arbitrations, to which the United States has been a party, show with what persistence we have clung to the doctrine in the days of our strength as well as in the days of our weakness. At the present moment, the State Department is negotiating treaties, by the terms of which present and future difficulties between Canada and the United States will be settled by judicial means; a treaty with Great Britain by means of which the fishery rights of the United States in New Foundland waters will be interpreted and decided by the permanent Court at The Hague, and a Claims Convention for the adjustment of pecuniary claims between the citizens of the United States and the subjects of Great Britain.

But it is not enough that we settle present controversies by judicial means; we should provide that future difficulties susceptible of judicial treatment be referred to International Commissions or Tribunals of Arbitration. Such treaties we have not had in the past, but to be logical and consistent partisans of arbitration we should bind ourselves by a present agreement to arbitrate future differences. Therefore, continuing this policy and

developing it naturally, logically and consistently, the State Department has, within the past year, already negotiated and signed twenty-four agreements with European nations, sister Republics of Latin-America, China and Japan, by which the United States and the foreign countries pledge themselves to submit to the permanent Court at The Hague, controversies of a legal nature and disputes concerning the interpretation and application of treaties and conventions, excluding therefrom only questions involving the independence, the vital interests and honor of the contracting parties.

Our own experience has shown us that differences of nationality are not insuperable difficulties; that the existence of States possessing local self-governments offers no serious impediment to the judicial settlement of controversies which would produce war between equal and sovereign nations; that a Supreme Court is necessary for the interpretation of an instrument to which the 46 States composing the American Union are parties, and we believe that an International Court, created by the 46 nations of the world recognizing and applying international law, is as necessary for the interpretation of international conventions and the settlement of judicial questions as a Supreme Court is to the 46 States composing the American Union. We believe, further, that this Court can be created by the nations; that it will be created by the

nations if and when they recognize the importance of its existence and the services it may render to international justice. That the existence of international conventions necessitates the establishment of such a Court for the authoritative interpretation of treaties to which the world at large is a party, and that such a Court, composed of judges acting under a sense of judicial responsibility, representing the various languages and the systems of jurisprudence, will at no distant date be created at The Hague.

The policy of the State Department, therefore, in negotiating treaties of arbitration, will bring into relief the necessity of such a Court, and that these treaties of arbitration, important in themselves, are but a means, not an end.

At the second Hague conference a project was adopted providing for the organization, jurisdiction and procedure of a Court of Arbitral Justice. The judges are to be appointed by agreement reached through diplomatic channels, and it is to be hoped that an international opinion so strong and insistent will be generated by the movement in favor of arbitration that this Court will be established within the next few years. If so, it will be the triumph of the new diplomacy which seeks the settlement of international controversies by the appeal to reason, and which recognizes that permanent peace can only be based upon the principles of justice. The doctrine of

neutrality and all its consequences was an American doctrine. The settlement of international disputes by temporary commissions and tribunals of arbitration is an American doctrine, dating from Jay's treaty. The establishment of an International Tribunal, always in session to receive and decide controversies susceptible of judicial decision, composed of permanent trained judges, acting under a sense of judicial responsibility, representing the various languages and systems of jurisprudence, will be the triumph of an American ideal and will be the culmination of what we may fairly and properly call "the new diplomacy," the diplomacy which appeals to reason and bottoms itself upon justice.

JAMES BROWN SCOTT

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THE DELUSION OF MILITARISM

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BY

CHARLES E. JEFFERSON, D.D.

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Sub-station 84 (501 West 116th Street)
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The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects.

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THE DELUSION OF MILITARISM

The future historian of the first decade of the twentieth century will be puzzled. He will find that the world at the opening of the century was in an extraordinarily belligerent mood, and that the mood was well-nigh universal, dominating the New World as well as the Old, the Orient no less than the Occident. He will find that preparations for war, especially among nations which confessed allegiance to the Prince of Peace, were carried forward with tremendous energy and enthusiasm, and that the air was filled with prophetic voices, picturing national calamities and predicting bloody and world-embracing conflicts.

Alongside of this fact he will find another fact no less conspicuous and universal, that everybody of importance in the early years of the twentieth century was an ardent champion of peace. He will find incontestable evidence that the King of England was one of the truest friends of peace who ever sat on the English throne, that the German Emperor proclaimed repeatedly that the cause of peace was ever dear to his heart, that the President of the United States was so effective as a peacemaker that he won a prize for ending a mighty war, that the Czar of Russia was so zealous in his devotion to peace that he called the nations to meet in solemn council to consider measures for ushering in an era of universal amity and good will, and that the President of France, the King of Italy, and the Mikado of Japan were not a whit behind their royal brethren in offering sacrifices on the altar of the Goddess of Peace. A crowd of royal peacemakers in a world surcharged with thoughts and threats of war, a band of lovers strolling down an avenue which they themselves had lined with lyddite shells and twelve-inch guns, this will cause our historian to rub his eyes.

In his investigations he will find that the world's royal counselors and leading statesmen were also, without exception, wholeheartedly devoted to the cause of conciliation. He will read with admiration the speeches of Prince Bülow, Sir Henry Campbell-Bannerman, Mr. H. H. Asquith, Mr. John Hay, and Mr. Elihu Root, and will be compelled to confess that the three leading nations of our Western world never in the entire course of their history had statesmen more pacific than these in temper, or more eloquent in their advocacy of the cause of international good will. A galaxy of peace-loving statesmen under a sky black with the thunder-clouds of war, this is certain to bewilder our historian.

His perplexity will become no less when he considers the incontrovertible proofs that never since time began were the masses of men so peaceably inclined as in just this turbulent and war-rumor-tormented twentieth century. He will find that science and commerce and religion had coöperated in bringing the nations together, that the wage-earners in all the European countries had begun to speak of one another as brothers, and that the growing spirit of fraternity and coöperation had expressed itself in such organizations as the Interparliamentary Union, with a membership of twenty-five hundred legislators and statesmen, and various other societies and leagues of scholars and merchants and lawyers and jurists. He will find delegations paying friendly visits to neighboring countries, and will read, dumbfounded, what the English and German papers were saying about invasions, and the need of increased armaments, at the very time that twenty thousand Germans in Berlin were applauding to the echo the friendly greetings of a company of English visitors. And he will be still more nonplussed when he reads that, while ten thousand boys and girls in Tokio were singing loving greetings to our naval officers, there were men in the United States rushing from city to city urging the people to prepare for an American-

Japanese war. It will seem inexplicable to our historian that when peace and arbitration and conciliation societies were multiplying in every land, and when men seemed to hate war with an abhorrence never known in any preceding era, there should be a deluge of war-talk flowing like an infernal tide across the world.


His bewilderment, however, will reach its climax when he discovers that it was after the establishment of an international court that all the nations voted to increase their armaments. Everybody conceded that it was better to settle international disputes by reason rather than by force, but as soon as the legal machinery was created, by means of which the swords could be dispensed with, there was a fresh fury to perfect at once all the instruments of destruction. After each new peace conference there was a fresh cry for more guns. Our historian will read with gladness the records of the Hague Conference, and of the laying of the foundation of a periodic Congress of Nations, and of a permanent High Court. He will note the neutralization of Switzerland, Belgium, and Norway; the compact entered into by the countries bordering on the North Sea, to respect one another's territorial rights forever; the agreement of the same sort solemnly ratified by all the countries bordering on the Baltic; the signing of more than sixty arbitration treaties, twelve of these by the Senate of the United States; the creation of an International Bureau of American Republics, embracing twenty-one nations; the establishment of a Central American High Court; the elaboration and perfection of legal instruments looking toward the parliament of man, the federation of the world.

He will note also that while these splendid achievements of the peace spirit were finding a habitation and a name, the nations were thrilled as never before by dismal forbodings, and the world was darkened by whispers of death and destruction. While the Palace of Peace at The Hague was building, nations hailed

the advent of the airship as a glorious invention, because of the service it could render to the cause of war. This unprecedented growth of peace sentiment, accompanied by a constant increase of jealousy and suspicion, of fear and panic, among the nations of the earth, will set our historian to work to ascertain the meaning of this strange phenomenon, the most singular perhaps to be met with in the entire history of the world.


It will not take him long to discover that the fountains from which there flowed these dark and swollen streams of war rumor were all located within the military and naval encampments. It was the experts of the army and navy who were always shivering at some new peril, and painting sombre pictures of what would happen in case new regiments were not added to the army and additional battleships were not voted for the fleet. It was Lord Roberts, for instance, who discovered how easily England could be overrun by a German army; and it was General Kuropatkin who had discernment to see that the Russo-Japanese war was certain to break out again. The historian will note that the magazine essays on "Perils" were written for the most part by military experts, and that the newspaper scare-articles were the productions of young men who believed what the military experts had told them. Many naval officers, active and retired, could not make an after-dinner speech without casting over their hearers the shadow of some impending conflict.

It was in this way that legislative bodies came to think that possibly the country was really in danger; and looking round for a ground on which to justify new expenditures for war material, they seized upon an ancient pagan maxim,—furnished by the military experts,—“If you wish peace, prepare for war.” The old adage, once enthroned, worked with the energy of a god. The love of war had largely passed away. The illusion which for ages it had created in the minds of millions had lost its spell. Men had come to see that war is butchery, savagery, murder,



hell. They believed in reason. Peace was seen to be the one supreme blessing for the world, but to preserve the peace it was necessary to prepare for war. This lay at the centre of the policy of the twentieth century. No guns were asked for to kill men with—guns were mounted as safeguards of the peace. No battleships were launched to fight with—they were preservers of the peace. Colossal armies and gigantic navies were exhibited as a nation's ornaments—beautiful tokens of its love of peace. And following thus the Angel of Peace, the nations increased their armaments until they spent upon them over two billions of dollars every year, and had amassed national debts aggregating thirty-five billions. The expenditure crushed the poorest of the nations and crippled the richest of them, but the burden was gladly borne because it was a sacrifice for the cause of peace. It was a pathetic and thrilling testimony of the human heart's hatred of war and longing for peace, when the nations became willing to bankrupt themselves in the effort to keep from fighting.

But at this point our historian will begin to ask whether there might have been any relation between the multiplication of the instruments of slaughter and the constant rise of the tide of war talk and war feeling. He will probably suspect that the mere presence of the shining apparatus of death may have kindled in men's hearts feelings of jealousy and distrust, and created panics which even Hague Conferences and peaceful-minded rulers and counselors could not possibly allay. When he finds that it was only men who lived all their life with guns who were haunted by horrible visions and kept dreaming hideous dreams, and that the larger the armament the more was a nation harassed by fears of invasion and possible annihilation, he will propound to himself these questions: Was it all a delusion, the notion that vast military and naval establishments are a safeguard of the peace? Was it a form of national lunacy, this frenzied outpouring of national treasure for the



engines of destruction? Was it an hallucination, this feverish conviction that only by guns can a nation's dignity be symbolized, and her place in the world's life and action be honorably maintained?

These are questions which our descendants are certain to ponder, and why should not we face them now? If this preparing for war in order to keep the peace is indeed a delusion, the sooner we find it out the better, for it is the costliest of all obsessions by which humanity has ever been swayed and mastered. There are multiplying developments which are leading thoughtful observers to suspect that this pre-Christian maxim is a piece of antiquated wisdom, and that the desire to establish peace in our modern world by multiplying and brandishing the instruments of war is a product of mental aberration. Certainly there are indications pointing in this direction. The world's brain may possibly have become unbalanced by a bacillus carried in the folds of a heathen adage. The most virulent and devastating disease now raging on the earth is militarism.

The militarist of our day betrays certain symptoms with which the student of pathology is not altogether unfamiliar. There are obsessions which obtain so firm a grip upon the mind that it is difficult to banish them. For example, a man who has the impression that he is being tracked by a vindictive and relentless foe is not going to sit down and quietly listen to an argument the aim of which is to prove that no such enemy exists, and that the sounds which have caused the panic are the footfalls of an approaching friend. The militarist will listen to no man who attempts to prove that his "perils" are creations of the brain. Indeed, he is exceedingly impatient under contradiction; and, here again, he is like all victims of hallucinations. To deny his assumptions or to question his conclusions, is to him both blasphemy and treason, a sort of profanity and imbecility worthy of contempt and scorn. He alone stands on foundations which cannot be shaken, and other men who do not possess

his inside information, or technical training for dealing with such questions, are living in a fool's paradise. The ferocity with which he attacks all who dare oppose him is the fury of a man whose brain is abnormally excited.


Recklessness of consequences is a trait which physicians usually look for in certain types of mental disorder, and here again the militarist presents the symptoms of a man who is sick. What cares he for consequences? The naval experts of Germany are dragging the German Empire ever deeper into debt, unabashed by the ominous mutterings of a coming storm. The naval experts of England go right on launching Dreadnoughts, while the number of British paupers grows larger with the years, and all British problems become increasingly baffling and alarming. The naval experts of Russia plan for a new billion-dollar navy, notwithstanding Russia's national debt is four and one-quarter billion dollars, and to pay her current expenses she is compelled to borrow seventy-five million dollars every year. With millions of her people on the verge of starvation, and beggars swarming through the streets of her cities and round the stations of her railways, the naval experts go on asking new appropriations for guns.

The terror of a patient who is suffering from mental derangement is often pathetic. Surround him with granite walls, ten in number, and every wall ten feet thick, and he will still insist that he is unprotected. So it is with the militarist. No nation has ever yet voted appropriations sufficient to quiet his uneasy heart. England's formula of naval strength has for some time been: The British navy in capital ships must equal the next two strongest navies, plus ten per cent. But notwithstanding the British navy is to-day in battleships and cruisers and torpedo boats almost equal to the next three strongest navies, never has England's security been so precarious, according to her greatest military experts, as to-day. It has been discovered at the eleventh hour that her mighty

navy is no safeguard at all, unless backed up by a citizen army of at least a million men. It was once the aim to protect England against *probable* combinations against her. The ambition now is to protect her against all *possible* combinations. In the words of a high authority in the British army, she must protect herself not only against the dangers she has any reason to expect, but also against those which nobody expects.

Like many another fever, militarism grows by what it feeds on, and unless checked by heroic measures is certain to burn the patient up. Men in a delirium seldom have a sense of humor. The world is fearfully grim to them, and life a solemn and tragic thing. They express absurdities with a sober face, and make ridiculous assertions without a smile. It may be that the militarists are in a sort of delirium. At any rate, they publish articles entitled, "Armies the Real Promoters of Peace," without laughing aloud at the grotesqueness of what they are doing.


The militarist is comic in his seriousness. He says that if you want to keep the peace you must prepare for war, and yet he knows that where men prepare for war by carrying bowie knives, peace is a thing unheard of, and that where every man is armed with a revolver, the list of homicides is longest. He declares his belief in kindly feelings and gentle manners, and proceeds at once to prove that a nation ought to make itself look as ferocious as possible. In order to induce nations to be gentlemen, he would have them all imitate the habits of rowdies. To many persons this seems ludicrous, to a militarist it is no joke. He is a champion of peace, but he wants to carry a gun. The man who paces up and down my front pavement with a gun on his shoulder may have peaceful sentiments, but he does not infuse peace into me. It does not help matters for him to shout out every few minutes, "I will not hurt you if you behave yourself," for I do not know his standard of good behavior, and the very sight of the gun keeps me in a state of



chronic alarm. But the militarist says that, for promoting harmonious sentiments and peaceful emotions, there is nothing equal to an abundance of well-constructed guns.

A droll man indeed is the militarist. What matters it what honeyed words the King of England and the German Kaiser interchange, so long as each nation hears constantly the launching by the other of a larger battleship? And even though Prince Bülow may say to Mr. Asquith a hundred times a week, "We mean no harm," and Mr. Asquith may shout back, "We are your friends," so long as London and Berlin are never beyond earshot of soldiers, who are practicing how to shoot to kill, just so long will England and Germany be flooded with the gossip of hatred, and thrown into hysteria by rumors of invasion and carnage.

Like many other diseases, militarism is contagious. One nation can be infected by another until there is an epidemic round the world. A parade of battleships can kindle fires in the blood of even peaceful peoples, and increase naval appropriations in a dozen lands. Is it possible, some one asks, for a world to become insane? That a community can become crazy was proved by Salem, in the days of the witchcraft delusion; that a city can lose its head was demonstrated by London, at the time of the Gunpowder Plot; that a continent can become the victim of an hallucination was shown when Europe lost its desire to live, and waited for the end of the world in the year 1000. Why should it be counted incredible that many nations, bound together by steam and electricity, should fall under the spell of a delusion, and should act for a season like a man who has gone mad? But is it not true that the world has gone mad? The masses of men are sensible; but at present the nations are in the clutches of the militarists, and no way of escape has yet been discovered. The deliverance will come as soon as men begin to think and examine the sophistries with which militarism has flooded the world.



Certain facts will surely, some day, burn themselves into the consciousness of all thinking men. The expensiveness of the armed peace is just beginning to catch the eye of legislators. The extravagance of the militarists will bring about their ruin. They cry for battleships at ten million dollars each, and Parliament or Congress votes them. But later on it is explained that battleships are worthless without cruisers, cruisers are worthless without torpedo boats, torpedo boats are worthless without torpedo-boat destroyers, all these are worthless without colliers, ammunition boats, hospital boats, repair boats; and these altogether are worthless without deeper harbors, longer docks, more spacious navy yards. And what are all these worth without officers and men, upon whose education millions of dollars have been lavished? When at last the navy has been fairly launched, the officials of the army come forward and demonstrate that a navy, after all, is worthless unless it is supported by a colossal land force. Thus are the governments led on, step by step, into a treacherous morass, in which they are at first entangled, and finally overwhelmed.

All the great nations are to-day facing deficits, caused in every case by the military and naval experts. Into what a tangle the finances of Russia and Japan have been brought by militarists is known to everybody. Germany has, in a single generation, increased her national debt from eighteen million dollars to more than one billion dollars. The German Minister of Finance looks wildly round in search of new sources of national income. Financial experts confess that France is approaching the limit of her sources of revenue. Her deficit is created by her army and navy. The British government is always seeking for new devices by means of which to fill a depleted treasury. Her Dreadnoughts keep her poor. Italy has for years staggered on the verge of bankruptcy because she carries an overgrown army on her back. Even our own rich republic faces this year a deficit of over a hundred million dollars, largely due to the one hundred and thirty millions we

are spending on our navy. Mr. Cortelyou has called our attention to the fact that while in thirty years we have increased our population by 85 per cent, and our wealth by 185 per cent, we have increased our national expenses by 400 per cent.

It is within those thirty years that we have spent one billion dollars on our navy. And the end is not yet. The Secretary of the Navy has recently asked for twenty-seven additional vessels for the coming year, four of which are battleships at ten million dollars each, and he is frank to say that these twenty-seven are only a fraction of the vessels to be asked for later on. We have already, built or building, thirty-one first-class battleships, our navy ranking next to Great Britain, Germany standing third, France fourth, and Japan fifth: but never has the naval lobby at Washington been so voracious and so frantic for additional safeguards of the peace as to-day.

The militarists are peace-at-any-price men. They are determined to have peace even at the risk of national bankruptcy. Everything good in Germany, Italy, Austria, England, and Russia is held back by the confiscation of the proceeds of industry carried on for the support of the army and navy. In the United States the development of our resources is checked by this same fatal policy. We have millions of acres of desert land to be irrigated, millions of acres of swamp land to be drained, thousands of miles of inland waterways to be improved, harbors to be deepened, canals to be dug, and forests to be safeguarded, and yet for all these works of cardinal importance we can afford only a pittance. We have not sufficient money to pay decent salaries to our United States judges, or to the men who represent us abroad. We have pests, implacable and terrible; like the gypsy moth, and plagues like tuberculosis, for whose extermination millions of money are needed at once.

On every hand we are hampered and handicapped, because we are spending two-thirds of our enormous revenues on pensions for past wars, and on equipment

for wars yet to come. The militarists begrudge every dollar that does not go into army or navy. They believe that all works of internal improvement ought to be paid for by the selling of bonds, even the purchase of sites for new post-offices being made possible by mortgaging the future. They never weary of talking of our enormous national wealth, and laugh at the niggardly mortals who do not believe in investing it in guns. Why should we not spend as great a proportion of our wealth on military equipment as the other nations of the world? This is their question, and the merchants and farmers will answer it some day.

This delusion threatens to become as mischievous as it is expensive. Every increase in the American navy strengthens the militarists in London, Berlin, and Tokio. The difficulty of finding a reason for an American navy increases the mischief. Why should the United States have a colossal navy? No one outside the militarists can answer. Because there is no ascertainable reason for this un-American policy, the other American countries are becoming frightened. Brazil has just laid down an extravagant naval programme, for the proud Republic of the South cannot consent to lie at the mercy of the haughty Republic of the North. The new departure of Brazil has bewitched Argentina from the vision which came to her before the statue of Christ, which she erected high up amid the Andes, and has fired her with a desire to rival in her battleships her ambitious military neighbor. We first of all have established militarism in the Western world, and are by our example dragging weaker nations into foolish and suicidal courses, checking indefinitely the development of two continents.

Our influence goes still further. It sets Australia blazing, and shoves Japan into policies which she cannot afford. But we cannot harm foreign nations without working lasting injury on ourselves. The very battleships which recently kindled the enthusiasm

of children in South America, Australia, and Japan, also stirred the hearts of American boys and girls along our Atlantic and Pacific seaboard, strengthening in them impulses and ideals of an Old World which struggled and suffered before Jesus came. It is children who receive the deepest impressions from pageants and celebrations, and who can measure the damage wrought upon the world by the parade of American battleships? — Children cannot look upon symbols of brute force, extolled and exalted by their elders, without getting the impression that a nation's power is measured by the calibre of its guns, and that its influence is determined by the explosive force of its shells. A fleet of battleships gives a wrong impression of what America is, and conceals the secret which has made America great. Children do not know that we became a great world-power without the assistance of either army or navy, building ourselves up on everlasting principles by means of our schools and our churches. The down-pulling force of our naval pageant was not needed in a world already dragged down to low levels by the example of ancient nations, entangled by degrading traditions from which they are struggling to escape. The notion that this exhibition of battleships has added to our prestige among men whose opinion is worthy of consideration, or has made the world love us better, is only another feature of the militarist delusion.

There are delusions which are fatal, and this may be one of them. The most important drama to be acted within the next five hundred years will be played around the Pacific. In this drama our republic is destined to take an important part. At present we are the most influential nation bordering on its waters. It is for us chiefly to determine what the future shall be. We can make the Pacific what it is in name, a peaceful sea. Both the Japanese and the Chinese are peace-loving peoples. They will not fight unless driven to it. They need all their money for schools and internal improvements. We can make treaties

with both countries which will render war an impossibility. The Philippines can be neutralized as Switzerland has been neutralized, so that they shall be safe without the protection of a single gun. Why not do this? We cannot flourish a deadly bludgeon without Japan doing the same. What Japan does, China must do also. She is already adding yearly twenty-five thousand soldiers to her army, and by and by she will build a fleet which will rival those of the United States and Japan combined. An empire of four hundred million people will not lie supine indefinitely, allowing armed nations to trample upon her at their own sweet pleasure. Our present policy will compel China to build battleships, and into these ships will go the bread of millions of Chinamen, and the education of tens of millions of Chinese boys and girls. And then what? One never knows what a peaceable nation may do when once the slumbering devils of the heart are stirred to action by the sight of guns and the thought of blood. China has suffered grievous wrongs. She, like other nations, may find that revenge is sweet.

Militarists assure us that some day a clash between the white and yellow races is inevitable. They say, "Whet your swords, multiply your battleships, prepare your shells, get ready for the fateful hour." The militarists have good reason to be frightened if America must meet the Orient on the battlefield. Gunpowder and lyddite obliterate social and racial distinctions, and put men on an equal footing. The Chinese coolie can, after a little practice, shoot a gun as accurately as can the graduate from Yale or Harvard. The follower of Confucius is the peer of the follower of Jesus when both men are armed with rifles. In the realm of force intellectual distinctions count for little, and spiritual attainments are less than nothing. If the Christian West consents to fight the Pagan East with swords and guns, she abdicates the advantage which she has won by the struggle of a thousand years, and comes down to fight upon the same level on which men stood in the days of Cæsar. Array a thousand Christian

boys against a thousand Confucian boys, give the order, "Fire!" and when the smoke has cleared away you will find among the dead as many Christian boys as boys whose skin is yellow. In the realm of carnage, victory goes to superior numbers, and not to character and culture. We have the culture, China has the numbers, but numbers outweigh the virtues and graces of a Christian heart.

The yellow peril is indeed portentous if we propose to meet China on the battlefield. Why not make such a meeting an impossibility? Why not do for the Pacific what our fathers did for the Canadian border? They prepared for peace and got it. Why not spend millions of dollars in cementing the friendship of Orient and Occident, and work without ceasing to keep the temper of the two worlds fraternal and sweet? Instead of sending on battleships, at an enormous cost, a few thousand young men who represent neither the brain nor the culture of our country, why not send to China and Japan at governmental expense delegations of teachers and publicists, editors and bankers, farmers and lawyers, physicians and labor leaders, men who can give the Orient an idea of what sort of people we are? We can send a thousand such representatives across the Pacific every year for the next hundred years for less money than we are spending this year on our navy. No such blundering and extravagant method of exchanging international courtesies has ever been devised as that of sending to foreign capitals naval officers and sailors on battleships and cruisers.

Countries never fight whose influential citizens know one another. Why not get acquainted with our Eastern neighbors? In the arts of peace we are their superior. In the art of war China can become our equal in a single generation, just as Japan in one generation has risen to the military level of Russia. Military virtues are simple, and can be rapidly developed. They run through the stages of their evolution swiftly and come to perfection early. The virtues of a Christlike spirit are the beautiful growths of a thousand years, and we

are insane if we are willing to jeopardize what we have gained by infinite sacrifice and effort, by entering a field upon which victory depends upon neither beauty of spirit nor nobility of heart, but upon the shrewd manipulation of physical forces. The thing we ought to say to the Orient again and again, both by word and by deed, is, "We believe in peace! We abhor war! It is contrary to our nature, opposed by our religion, hostile to our ideals and traditions. We do not believe in settling disputes by force. We believe in reason. See our hands, we carry no bludgeons. Search us, we own no concealed weapons. Trust us, for we are going to trust you. Let us work together for our mutual advantage, and the progress of humanity!"

But, delusion or not, can one nation hold aloof from this dance of death so long as other nations keep on dancing? Of course, America will limit her armament provided other nations do the same. But — we are asked — is it wise or safe for our republic, isolated and alone, to say boldly, "We will go no further in this business. Let other nations do what they will, America at any rate is going to pour her gold hereafter into the channels of education and economic development." Why not say this? To be sure, it would be a risk, but why not run the risk? We are incurring far greater risks by our present policy. We are running the risk of changing the temper of our people, introducing structural changes in our form of government, and embroiling ourselves with nations which are now friendly. Preparing for war is hazardous business. It is not time, we all admit, for disarmament. America must do her part in the policing of the seas. It is not the hour to discuss even a reduction in armaments. Our battleships are not going to be sold at auction. We all agree that America must have a navy adequate to her needs. But has not the time arrived to call a halt in this indefinite expansion of an ever bigger navy? The militarists are just now asking Congress for 26,000-ton battleships carrying 14-inch guns, and a high naval authority says that the advisability of

building even 40,000 or 50,000 or 60,000-ton battleships is "the mature opinion of many of the ablest and most conservative officers of our navy to-day." What the radicals want is not yet disclosed.

Much has been written about the horrors of war; the time has come to write of the horrors of an armed peace. In many ways it is more terrible than war. War is soon over, and the wounds heal. An armed peace goes on indefinitely, and its wounds gape and fester and poison all the air. War furnishes opportunity for men to be brave; an armed peace gives rise to interminable gossip about imaginary goblins and dangers. In war, nations think of principles, but in an armed peace the mind is preoccupied exclusively with devising ways of increasing the efficiency of the implements of slaughter. War develops men, but an armed peace rots moral fibre.

It is possible to buy peace at too high a price. Better fight and get done with it than keep nations incessantly thinking evil thoughts about their neighbors. Playing with battleships is a sorry business. The magnetic needle, disturbed by metal, loses its fidelity to the north, and the ship may go to pieces on the rocks. The heart of a nation, pressed close to steel armor, becomes abnormal in its action. Battleships blind the eyes to ideals which are highest. They draw the heart away from belief in the potency of spiritual forces. They quench faith in the power of justice, mercy, love. They minister to the atheism of force. They blur the fact that America became a world-power without a navy. They educate men to put reliance on reeds, which will break when the crisis comes. They fan the flames of vanity and self-seeking. They are deceivers. They seem to be the dominating forces of history, when in fact they are bubbles blown on a current which they did nothing to create. They delude men by inducing them to accept them as solutions of problems, whereas they create problems more serious than any already on hand. They strain international relations and fill the papers with gossip,

debilitating to adults and demoralizing to the young. They feed the maw of panic-mongers, and darken the heavens with swarms of falsehoods and rumors.

Militarism has foisted upon the world a policy which handicaps the work of the church, cripples the hand of philanthropy, blocks the wheels of constructive legislation, cuts the nerve of reform, blinds statesmen to dangers which are imminent and portentous, such as poverty and all the horde of evils which come from insufficient nutrition, and fixes the eyes upon perils which are fanciful and far away. It multiplies the seeds of discord, debilitates the mind by filling it with vain imaginations, corrodes the heart by feelings of suspicion and ill-will. It is starving and stunting the lives of millions, and subjecting the very frame of society to a strain which it cannot indefinitely endure. A nation which buys guns at seventy thousand dollars each, when the slums of great cities are rotting, and millions of human beings struggle for bread, will, unless it repents, be overtaken soon or late by the same divine wrath which shattered Babylon to pieces, and hurled Rome from a throne which was supposed to be eternal.

The world is bewildered and plagued, harassed and tormented, by an awful delusion. Who will break the spell? America can do it. Will she? To ape the customs of European monarchies is weakness. Why not do a fine and original thing? Our fathers had an intuition that the New World should be different from the Old, that it had a unique destiny, and that it must pursue an original course. That is the spiritual meaning of the Monroe doctrine,—that no foreign influence shall be permitted to thwart the development of America along original lines. Alas, the Old World has broken into our Paradise, and we are dethroning ideals for which our fathers were willing to die.

"Peace hath her victories
No less renowned than war,"

said Milton to Cromwell long ago, and humanity is waiting for a nation which will win the victories that

Milton saw. Will America devote herself to the work of winning these victories of peace? Will she spend half as much the next ten years in preparing for peace, as she has spent the last ten years in preparing for war? Experience has demonstrated that swollen navies multiply the points of friction, foster distrust, foment suspicion, fan the fires of hatred, become a defiance and a menace, and lie like a towering obstacle across the path of nations toilsomely struggling along the upward way. The old policy is wrong. The old leaders are discredited. The old programme is obsolete. Those who wish for peace must prepare for it. Our supreme business is not the scaring of rivals, but the making of friends.

Will America become a leader? At present we are an imitator. How humiliating to tag at the heels of Great Britain in the naval procession, haunted always by the fear that we may fall behind Germany! Why not choose a road on which it will be possible to be first? Why not head the procession of nations whose faces are toward the light? This is America's opportunity. Will she, by setting a daring example, arrest the growth of armaments throughout the world? The nation which does this is certain of an imperishable renown.

CHARLES EDWARD JEFFERSON

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ADDRESS BY THE HONORABLE ELIHU ROOT



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1711
The Association

The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects.

For the information of those who are not familiar with the work of the Association for International Conciliation, a list of its publications will be found on page 10.

ADDRESS BY THE HONORABLE ELIHU ROOT

It seems to me that the Peace Society in asking me to dine with them has gathered here all the evidences, all the proofs, has made the demonstration of what it is worth to preserve peace; the faces of the dear old friends of a life-time, the children of many a friend who has passed away during my absence from New York, all this that I see about me, is what makes it worth while that peace shall be preserved—the charm and grace of life, the joy of living, the virtues, the beauty, the nobility, preserved, defended and continued by this modern civilization which substitutes peace for war. We have passed in the development of modern society far from those old days when men fought for the mere joy of fighting. Except here and there an individual and here and there a half-savage community, no one now makes war for the love of war.

So long as selfishness and greed and the willingness and the brutality to do injustice continue in this world, we must have the *policeman*; and the international policeman whose presence makes the use of his club unnecessary, is the army and the navy.

But the work of peace-loving men and women, the work of all those who love home, who desire that mankind shall be enlarged in intelligence and in moral vision, of all those who desire to see science and art and the graces of life and sweet charity and the love of mankind for one another continue and grow among men, their work is to aid, not by great demonstration, but by that quiet, that resistless influence, which

among great bodies of men makes up the tendency of mankind, and in the long process of the years moves men from savagery and brutality to peace and brotherhood. It rests with the army and the navy to make aggression and injustice unprofitable and unattractive. It rests with you and with me to exercise the powers that God has already placed in our hands. It rests with every man in the exercise of his duties, political and social, to move the conceptions of an honorable life away from the old ideas of savagery towards the new ideas of civilization of humanity, that in their progress gradually approach the supreme idea of Christianity.

Peace can never be except as it is founded upon justice. And it rests with us in our own country to see to it that the idea of justice prevails, and prevails against the declamation of the demagog, against the interested exhortation of the politician, against the hot temper of the thoughtless and of the inconsiderate. If we would have peace, it is not enough to cry "Peace! Peace!" It is essential that we should promote and insist upon the willingness of our country to do justice to all countries of the earth. In the exercise of those duties in which the ambassadors of Great Britain, of Brazil and of Japan have played so great a part in the last few years in Washington, the great obstacles to the doing of things which make for peace have been not the wish of the diplomatist, not the policy of the government, but the inconsiderate and thoughtless unwillingness of the great body of the people of the respective countries to stand behind the man who

was willing for the sake of peace and justice, to make fair concessions.

There is a peculiar situation created when a diplomatic question arises between two countries. It is the duty of the diplomatic representatives to argue each the cause of his own country; he cannot turn his back upon an opponent in that friendly contest and state to his countrymen the weakness of his own position and the strength of the other side's position, and it is one of the great difficulties of peace-making and peace-keeping that the orators, the politicians, the stump speakers, aye, often the clergymen of each country, press and insist upon the extreme view of their own country, and impress upon the minds of the great masses of people who have not studied the question, the idea that all right is upon one side and all wrong upon the other side.

If you would help to make and keep peace, stand behind the men who are in the responsible positions of government, ready to recognize the fact that there is some right on the other side.

War comes to-day as the result of one of three causes: either actual or threatened wrong by one country to another, or as the result of a suspicion by one country that another intends to do it wrong, and upon that suspicion, instinct leads the country that suspects the attack, to attack first; or, from bitterness of feeling, dependent in no degree whatever upon substantial questions of difference, and that bitterness of feeling leads to the suspicion, and the suspicion in the minds of those who suspect and who

entertain the bitter feeling, is justification for war. It is their justification to themselves. The least of these three causes of war is actual injustice. There are to-day acts of injustice being perpetrated by one country upon another, there are several situations in the world to-day, where gross injustice is being done. I will not mention them, because it would do more harm than it would good, but they are few in number. By far the greatest cause of war is that suspicion of injustice, threatened and intended, which comes from exasperated feeling. Now, feeling, the feeling which makes one nation willing to go to war with another, makes real causes of difference of no consequence. If the people of two countries want to fight, they will find an excuse—a pretext—find what seems to them sufficient cause, in anything. Questions which can be disposed of without the slightest difficulty between countries really friendly, are insoluble between countries really unfriendly. And the feeling between the peoples of different countries is the product of the acts and the words of the peoples of the countries themselves, not of their government. Insult, contemptuous treatment, bad manners, arrogant and provincial assertion of superiority are the chief causes of war to-day.

And in this country of ours, we are far from free from being guilty of all those great causes of war. The gentlemen who introduced into the Legislature of California, Montana and Nevada, the legislation regarding the treatment of the Japanese in those states, doubtless had no conception of the fact that they were

offering to that great nation of gentlemen, of soldiers, of scholars and scientists, of statesmen, a nation worthy of challenging and receiving the respect, the honor and the homage of mankind, an insult that would bring on private war in any private relation in our own country. Thank Heaven, the wiser heads and the sounder hearts, instructed and enlightened upon the true nature of the proceedings, prevailed and overcame the inconsiderate and thoughtless:

There are no two men in this room to-night who can not bring on private war between themselves by an insult without any cause or reason, and it is so with the nations, for national pride, national sensitiveness, sense of national honor, are more keenly alive to insult than can be the case with any individual. But a few days ago, a member of the House of Representatives, charged upon the Chief Magistrate of the little Republic of Panama, a fraudulent conspiracy with regard to a contract under negotiation by the government of that country regarding the forests of Panama. All Panama was instantly alive with just indignation. This insult was felt all the more keenly because we, with our ninety millions and our great navy and army, presented an overwhelming and irresistible force with a little Republic whose sovereignty we are bound, trebly bound, in honor to maintain and respect.

These are the things that make for war and if you would make for peace, you will frown upon them, condemn them, ostracize and punish by all social penalties, the men who are guilty of them until it is understood and felt that an insult to a friendly foreign

power is a disgrace to the insulter, upon a level with the crimes that we denounce and for which the law inflicts disgraceful punishment.

Two-thirds of the suspicion, the dislike, the distrust with which our country was regarded by the people of South America, was the result of the arrogant and contemptuous bearing of Americans, of people of the United States, for those gentle, polite, sensitive, imaginative, delightful people. Mr. Choate has alluded to my visit there, to the generous, magnanimous hospitality that they have inherited from their ancestors of Spain and Portugal, open wide the gateways of their land and their hearts to a message of courtesy and kindly consideration. No questions existed before to be settled, no serious questions have been settled, but the difference between the feeling, the attitude, of the people of Latin America and our Republic to-day from what it was four years ago, is the result of the conspicuous substitution of the treatment that one gentleman owes to another, for the treatment that one blackguard pays to another.

Now this is the subject for you to deal with. The government cannot reach it. Laws cannot control it; public opinion, public sentiment must deal with it, and when the public opinion has risen to that height all over the world, that the peoples of every country treat the peoples of every other country with that human kindness that binds home communities together, you will see an end of war—and not until then.

But it becomes less and less necessary to preach peace. We have not reached ideal perfection yet, far

from it, but the way to judge of conditions in this world is not by comparing them with the standard of ideal perfection; it is by comparing the conditions to-day with the conditions of the past and noting, not what we can do to-day (if we note that alone, we must be discouraged; if we note that alone, we must be convinced of the desperate selfishness, the injustice, the cruelty of mankind), but if we compare the conditions of to-day with the conditions of yesterday and the last decade and the last generation, and the last century and centuries before, no one can fail to see that in all those qualities of the human heart which make the difference between cruel and brutal war, and kindly peace, the civilized world is steadily and surely advancing day by day. No one can fail to see that the continuous and unswerving tendency of human development is towards peace and the love of mankind.

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BY

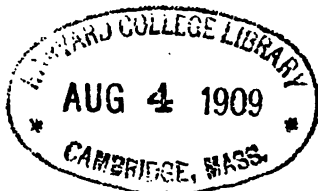
NICHOLAS MURRAY BUTLER

President of Columbia University, President of the American
Association for International Conciliation



JULY, 1909, No. 20

American Association for International Conciliation
Sub-station 84 (501 West 116th Street)
New York City



The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects.

For the information of those who are not familiar with the work of the Association for International Conciliation, a list of its publications will be found on page 13.

JOURNALISM AND INTERNATIONAL AFFAIRS

It is a truism in all lands where the press is reasonably free, that the responsibility of journalism in international affairs is weighty. But it is in the nature of a truism to be trite and of triteness to be vague and of vagueness to be misleading. Let us examine the matter a little closely.

In the first place, journalism, like every modern institution, is very complex, differing in different lands, in different parts of the same land, and at different periods of its own evolution. Great Britain and Japan are allies. The statesmen of each nation recognize that it has vital interests in common with the other, and they have bound the two, for a fixed term, to pursue these jointly, even by armed force. France and Russia are in like case. In carrying out the purposes of these alliances, or in hindering them, the journalism of the several countries may have a considerable influence. The matter has but to be mentioned to suggest the marked variation in the agencies that must thus be called in play and in the way that they will work. We need not, however, go so far afield for evidence that journalism differs under different skies, even when the language is the same. That of the United States is very unlike that of England, and we see appreciable dissimilarity in the journalism of the East, the West and the South of the United States, and in the journalism of to-day in each of these regions compared with that of even two

decades since. The institution, if we may so call it, is as *ondoyant et divers* as the personality of Michel de Montaigne.

Yet the complex thing we call journalism—British, German, French, American, what not—exists. The image the name calls up in our minds has a basis in fact. Journalism has generally two functions in which every journal, in different fashion or degree, shares—to furnish information and to comment thereon. As it is in the exercise of these functions that they find a common part in the affairs of the community, so it is for the way they exercise them that they have their common responsibility. In general terms it is easy enough to state that responsibility. It requires that information shall be full and accurate, and that comment shall be fair, temperate, and as wise as the journalist shall be able to make it. But this is almost as indefinite as to say that journalists should be gentlemen by nature and breeding, besides being thoroughly trained in a difficult and intricate profession. Look a little nearer at the functions to which the journalist is called.

First as to furnishing information. Not many years ago this was the field in which energy, capital, ambition, talent were most concentrated, and in this field the competition was so strenuous and costly that only the wealthier and stronger journals entered it. While there is still ample room for ingenious and vigorous competition, among those who care to take part in it, the more important, at any rate the more salient, facts in the daily life of mankind are now

accessible practically to the great body of the newspapers in English-speaking lands, and in less degree, but with pretty liberal fulness, to newspapers in other lands. This has been brought about by the organization of news-collecting associations—Reuter in England, Havas in France, Wolff in Germany, the Associated Press, the United Press, Laffan's in the United States—which are expected to cover, and in fact generally do cover, the news of all parts of the world. These associations have their agents, usually fairly trained, sometimes men of exceptional character and equipment, not only in all the capitals, but in all the chief cities and in the newspaper offices of the minor centres, so that it is practically impossible that any event of obvious interest shall pass undiscovered and unreported. The result is that on thousands of editors' desks in every quarter of the globe each day there are laid, ready for printing if desired, reports of the news of the preceding twenty-four hours in all other quarters of the globe. For the great mass of newspapers the task of news-collecting, so far as concerns foreign lands, or their own land beyond the neighborhood of each, has been abolished. The question of how to get the news has been replaced by the question of what choice to make from the vast heap daily at hand.

For most journalists, then, in the chief countries, the responsibility in international affairs hardly relates to fullness or accuracy of the news they collect. The news they get is about as full and accurate as can be had. No private effort, save by papers of great

capital, and a highly organized staff, under expert and daring direction, can seriously amend the work of the news associations in these regards. What remains for most is the choice of news accessible, the form of its presentation and the comment on it. What responsibility attaches to this function? For the great papers, for those that can afford to maintain their editors-resident, so to call them, at the centres of affairs, who know—and sometimes share—the undercurrents of sentiment and interest that influence political action, there is clearly a responsibility that the least sensitive might well feel. What is that which rests on the multitude of active, keen, generally intelligent and right-minded men who administer probably nine-tenths of the sixty-thousand newspapers of the modern world? It is not easy clearly to define it, but it is unmistakable and it is considerable.

Primarily it relates to their influence on what is known as public opinion, but what is in reality chiefly public sentiment. As to international affairs there hardly exists in the public mind anything that fairly or accurately can be called opinion. A very small part of any community, of even the best-taught and, in ordinary matters, the most intelligent, can, and a still smaller number do, *think*, on foreign affairs. One of the wittiest and wisest of journalists, Walter Bagehot, was wont to say that if you wished to test the value of public opinion, ask your butler what he thinks of proportional representation. Of course, generally he does not and cannot think about it at all. Foreign affairs are of necessity not understood of

the people because there is not room in their minds and lives for the unfamiliar and often difficult facts from which an understanding can alone be secured. It was reported in February of this year when Mr. Elihu Root retired from the State Department at Washington, that he had negotiated twenty-four treaties providing specifically or generally for the arbitration of international differences arising between the United States and other nations. Unquestionably that was a substantial service to his country and to mankind, rendered by years of patient, enlightened and tactful effort. How many of the people of the United States, how many of the members of the Legislature of the State of New York, who have just voted for Mr. Root as United States Senator, could mention one in ten of these treaties or could define the general principles by which the American Government has been guided in making them? But if opinion, drawn from adequate study of authenticated facts, is too difficult and tedious of acquirement, there is no lack of sentiment regarding international affairs. It is in relation to this sentiment, to its creation, guidance, restraint or stimulation, that the responsibility of journalists arises.

"Responsible" government is a relatively modern phrase, describing, not too nicely, a modern thing. In practice it is government of a nation by agents who can, more or less clumsily, be changed if their conduct do not satisfy the majority of that portion of the people who have a voice in their selection. The change is not necessarily the result of deliberation

and it may not be due to the electors' opinion of the general conduct of the agents, or of their conduct as to matters of serious or lasting interest. It may be due to a transient outburst of passion, and may be reversed in another outburst in the opposite direction. Such things happen so often that it would not be far amiss to call the modern system in many instances rather responsive than responsible government. It is with the sentiment which, when aroused, controls at such crises that journalism has to deal, and from this fact its reponsibility arises. The most serious situations are presented not in domestic but in international matters, because in domestic matters readers have more, and more trustworthy, information as to men and measures, do not so easily deceive themselves nor are so readily misled. Moreover in international matters the minds of the mass of men are excited by a strong tendency towards personification. That is to say, they conceive of a foreign nation as an individual, with individual virtues and vices, particularly vices. Even the wisest yield unduly to this. Grave historical writers have a besetting habit of speaking of Germany, France, Great Britain, America, as "she," as a being who can hate and love, plot and fight, can give or take gratitude, resentment and all the intricate category of attributes or feelings that lead to friendship or quarrel in personal intercourse. The tendency is simplified and becomes more intense in the minds of the mass in any nation. It is very tenacious, it is wayward and incalculable in its manifestations, and is sometimes full of peril. The jour-

nalist ought clearly to keep it in mind and to shape his conduct with reference to it.

The chief responsibility of a journalist, then, in international affairs is for the influence he may exert on the feelings of his readers and so on the general sentiment on which so much depends. This influence is exerted, first, by the choice he makes from the mass of news accessible to him. That choice is not really very wide. He must in practice take that most interesting to his readers. It is an elusive despotism that dictates this, but it is indisputable. There is, however, wide discretion as to form. The same news can be presented in a manner to excite or to prevent excitement. The sensible and practical rule is always, so far as possible, to give peace the benefit of the doubt, so to address readers as to keep them cool, and fair, and rational. So far as concerns the text of the news as furnished by the press associations, this rule is generally followed. There is not much temptation for the agents of the associations to depart from it. They are not likely to be goaded by any feeling of rivalry to make their dispatches more impressive, attractive, in a word, sensational. Their interest, as well as their instructions and their duty, can best be obeyed by clear and uncolored presentation of the facts they have obtained. When their reports reach the newspaper offices, however, a different set of conditions is sometimes encountered. The temptation to depart from the rule, to make the news striking, to give to it a form that will catch the eye and stir the feelings of readers to whom the same news may be

presented by other and rival papers, straightway is felt. Its mischievous effect shows chiefly in the "head-lines," and in these really almost more than in editorial comment is embodied the influence of the paper. In this form it is very great. The prayer of the modern, longing to sway the hearts of a people, might well be: "Let who will make their laws if I may write their head-lines." These are the one feature of a paper sure to receive the attention of all. Day by day, continually and continuously, they express its purpose and work its will. By them, day after day, the minds of thousands, of hundreds of thousands it may be, are reached and wrought upon. A certain proportion of a paper's patrons read its discussion of current events; a larger proportion may read the text of its news columns; substantially all read its head-lines. The impress conveyed is immediate, clear, and, in the long run, effective and lasting. In this direction, therefore, lies the first and most imperative demand on the sense of responsibility of the journalist. Here first and more largely than anywhere else, his conscience will recognize the opportunity and the obligation to give peace the benefit of every doubt and to keep his readers, as far as may be, cool and fair and rational.

Of the like obligation in editorial comment little need be said. His must be a dull mind indeed to whom it is not plain. Every consideration that appeals to a man in private life to make him just and temperate and courteous and sane appeals far more strongly to the writer on international affairs, since

his influence is far wider and the effect of it may be far more important and enduring. But while the duty is clear, the discharge of it is not always easy. To be just and sane the journalist must be well-informed, and sufficient knowledge for reasonable conclusions can be had only by constant study and observation. Moreover, there is a certain peril for a writer in too exclusive devotion to any one class of subjects. He is exposed to loss of perspective and is liable to overlook facts, often facts near at hand, which it is not safe to ignore. Unfortunately the risk is likely to be the greatest with writers devoted to noble and beautiful theories of international peace. The task of the journalist is to get at the truth, and, as near as may be, the whole truth, and that is a task sometimes sadly interfered with by theories too comprehensive, too absolute and too confidently held. "A fool's paradise" is a dangerous abode from which to direct or to try to direct, the public mind. The journalist who dwells habitually in it, who shuts his vision from the complex interests, passions, tendencies of the people of whom his readers are a part, which determine for the time being the rate of progress toward the spread of peace, not only exposes himself to bitter disappointment, but does to those who listen to him a distinct disservice.

As has already been intimated, the question of the responsibility of journalism in international affairs is quite as important for the smaller papers, including the weeklies, as for the larger, and in the United States it is even more important. These papers have

a very large total circulation. They are usually read more deliberately, with closer attention, and enter more intimately into the minds and the lives of their readers. Their interpretation of current events may not carry more weight, but they make a more continuous and probably a more effective impression. On the whole, the contents of these papers correspond to this view of their function. They are less ephemeral and sensational. It was these journals that Dr. Nicholas Murray Butler, President of Columbia University, largely had in mind when he said, in one of his addresses before the University of Copenhagen, in 1908: "At its best, or even in its average state, the American newspaper is conducted with sobriety and with a due sense of responsibility as an institution powerful for good or evil in a democratic community." Among the larger papers also, especially in the matter of editorial discussion, this judgment is deserved, the exceptions being more conspicuous than numerous or influential. Undoubtedly the press in America, as elsewhere, falls short of the best in this regard, but it is advancing. Those of us who, ardently attached to the cause of just peace, find the advance slow, may comfort ourselves with the ancient saying: "Time respects only that which Time has wrought."

EDWARD CARY

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INFLUENCE OF COMMERCE IN THE PROMOTION OF INTERNATIONAL PEACE



BY

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The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects.

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INFLUENCE OF COMMERCE IN THE PROMOTION OF INTERNATIONAL PEACE

It requires no argument to demonstrate the potent influence of satisfactory commercial relations in maintaining a secure and enduring peace between nations, for it is one of those self-evident truths which logic teaches and history confirms. The basic principle of this great silent influence is mutuality of interest. The same restraining forces are at work to avert a rupture of friendly relations between two countries engaged in commerce with each other as operate to prevent a quarrel between a business man and his customers or a lawyer and his clients.

Commerce is vitally dependent upon peace. So long as harmony prevails among the nations their commerce flourishes and develops normally from year to year; but upon the first rumors of war it begins to dwindle and to seek new channels where it will be least exposed to the many dangers of war. While it cannot be denied that the enlightened diplomacy of modern times has accomplished much good in behalf of commerce by minimizing the perils of war to which it is exposed, particularly by giving immunity to neutral shipping, under the principle that "free ships make free goods," the deplorable fact remains that war cannot possibly be anything but highly injurious and disastrous to commerce. Even if the intelligently directed efforts of our statesmen and international lawyers to secure a larger measure of immunity for commerce in time of war by the exemption of innocent cargoes even when the property of an enemy's

citizens and under an enemy's flag should be completely successful, commerce is not a sufficiently hardy plant to thrive in the atmosphere of war. It demands the benignant sunshine of peace for its normal development.

As respects the blessings of peace and the evils of war the situation has not changed since these were characterized by William Penn in 1695, who said:

“Peace preserves our possessions; we are in no danger of invasions; our trade is free and safe, and we rise and lie down without anxiety. The rich bring out their hoards, and employ the poor manufacturers; buildings and divers projections for profit and pleasure go on. Peace excites industry, which brings wealth, as wealth again provides the means of charity and hospitality, not the lowest ornaments of a kingdom or commonwealth.”

And of war, this wise old Quaker said:

“War, like the frost of '83, seizes all these comforts at once, and stops the civil channel of society. The rich draw in their stock, the poor turn soldiers, or thieves, or starve: no industry, no building, no manufactory, little hospitality or charity: but what the peace gave war devours.”

History abounds in edifying and impressive illustrations of the simple proposition that commerce is a great factor in the maintenance of peace among the nations engaged therein; but, paradoxical as it may seem, history is also replete with instances where commerce has been promoted by war under the predatory system of conquest and colonization which

prevailed during so many centuries, and where the provocations of wars have been furnished by commerce itself. But this system of commerce is happily a thing of the past. So long as it prevailed mutual antagonisms among nations were aroused and each pursued a systematic policy of selfishness and exclusiveness. Spain and Portugal were notable examples in early times, and, a little later, France and England pursued a like policy. Colonies, acquired by discovery or conquest, were ruthlessly exploited for the selfish ends of the mother country, and the struggle for commercial supremacy among the principal powers was the cause of a series of bloody and exhausting wars. All these evils, however, lie at the door of the obsolete system of predatory commerce, to which, of course, I do not refer when I speak of the pacific influences of modern international commercial relations. At the present we think only of the voluntary interchange of commodities in a commerce which is mutually beneficial to the nations engaged.

Commerce has become the paramount power in the civilized world. For some years past the world has been undergoing visibly an economic transition of far-reaching importance. Nations which were formerly dependent on agriculture have been concentrating their energies upon manufactures and commerce. In consequence, the great producing nations are devoting increasing attention to the export trade and are seeking everywhere for wider and better markets for their products. The result of this significant movement is a marked increase of interdependence and a closer relationship between different nations. Ties

are constantly being formed, the breaking of which would mean widespread disaster, and whenever such a rupture is threatened a world-wide protest arises from the conservative element in each country favoring the preservation of law and order and the security of life and property.

The United States is a noteworthy example of a country which is drifting away from agriculture as the predominant national industry and is steadily concentrating its energies in manufactures and foreign commerce, and thus the nation is constantly binding itself more intimately with other nations. In proportion as these solidarities are multiplied it becomes more difficult to break the ties existing among different countries, and consequently the proposition of war becomes more unpopular.

Commerce to-day rests on the broad and equitable principles of reciprocity. In former times every nation was arrayed against every other nation, prepared to do it all the injury possible by prohibitions and restrictions on trade, and, if necessary, to go to war to accomplish its ruin. This policy has been abandoned, although vestiges of the old idea that one commercial nation may gain by ruining another still prevail. It was Gladstone who said that the ships that pass between one country and another are like the shuttle of the loom, weaving a web of concord among the nations. It is now widely recognized that the interest of any one nation accords with the common interest of all. This indeed was the keynote of the late President McKinley's farewell speech at Buffalo, wherein he reminded the American people

that a system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade, and that we must not repose in fancied security that we can forever sell everything, and buy little or nothing; but that if such a thing were possible, it would not be best for us or for those with whom we deal. Hence he recommended the policy of reciprocity as one which would promote good will and friendly trade relations between the United States and foreign countries.

Someone has said that dependence on commerce is the greatest security for national independence. The significance of this somewhat enigmatic statement will appear when it is remembered that the economic mission of commerce is to correct the inequalities and deficiencies of soil, climate, natural products, and industrial development in the different countries of the world. A superabundant quantity of any product when kept at home possesses little or no value, but when distributed throughout the world wherever needed through the medium of commerce, that product acquires a value from its capability of purchasing the dissimilar products of other countries. In this way the happiness of the human race is manifestly increased and the diversified products of various countries are economically and advantageously distributed, thus doing the greatest good to the greatest number.

Commerce is one of the most important agencies of civilization. Chiefly by its means the barbarous peoples of the world have been brought under the influence of the civilized peoples. It gives wide and

rapid circulation to the discoveries and inventions in the arts and sciences, and disseminates useful knowledge among all nations. In fact, modern commercial development means the extension to the dark corners of the earth of the mode of living and material conveniences employed in the countries of Europe and America where civilization has reached its highest development.

Commerce is not only a civilizer; it is a potent moral force. The controlling force of the intricate mechanism of the world's commerce is confidence in human nature. In modern practice commercial transactions representing a valuation of billions of dollars per annum are made on the strength of documents such as bills of lading, insurance policies, and bills of exchange. These documents are exchanged for money simply because of business confidence, or, in other words, faith in the business integrity of the firms involved in the transaction. By the extension of commerce international confidence is created, and thus the various nations of the world are bound together by faith in each other and their common interests.

Inasmuch as the character of a nation is but a composite reflection of the character of the individuals composing it, one might reasonably take it for granted that the same virtues or shortcomings which individuals of a particular nation habitually display in their dealings with each other will be paralleled on a larger scale when that nation has dealings with another nation. Now, among individuals the rule is that evil associations have a demoralizing influence, and so, in

analogy to this experience among individuals, it might well be assumed that a nation whose business standards are high would suffer in its commercial relations with a nation whose standards are low, at least to the extent of acquiescing in the usages of the latter country. But here we find a curious psychological trait of commerce as a moral force. Abundance of experience proves that just as a nation's commerce always rises to the highest level of public morality prevailing among that nation, so does it, on its extension to foreign countries, rise to the highest level existing in either country. For example, there are two nations in the Far East, one of which has always enjoyed a most enviable reputation for commercial honor and integrity, while the reputation of the other has been quite different. In recent years an extensive commerce has grown up between these two countries, and between each of them and the United States. Instead of the splendid code of business honesty of one of these Oriental nations being demoralized or compromised in any degree by trade intercourse with the people having the less punctilious ideas of business honor, it has exerted a manifestly beneficial influence on the standards of the latter nation. Thus it is that modern commerce has an uplifting influence among its votaries in all quarters of the world, which is another strong reason why it is so effective in the preservation of peace.

The closer and more numerous the ties between nations which are created by commerce, the greater will be the reluctance on the part of any nation to begin a war; hence the greater the security against

war. I have seen it suggested that these very ties created by commerce make war easier, for they afford just so many provocations for war. This is easy enough to allege and might seem plausible, especially to those whose minds are steeped in the history of the Mercantile system, colonial conquests, and the struggle for commercial supremacy of long ago; but the experience of modern times has been quite otherwise. As a matter of fact, these commercial ties make the damages created by war so much in excess of any gains possible by war as to intensify the love of peace and the horror of war.

There are countless instances in history to illustrate the principle that commercial intimacy between two countries promotes and preserves peaceful relations between them. One of the most impressive is the case of England and Portugal, united in bonds of amity and mutuality of trade interests for a century and a third by the famous Methuen Treaty of Reciprocity. Although Portugal presented an inviting market for English woollen manufactures, these goods had been forbidden admission into that country since about 1680, in the effort to protect and encourage the domestic industry. Similarly, England excluded Portuguese wines by prohibitory duties. The Methuen Treaty, which was signed at Lisbon on December 27, 1703, by John Methuen, on the part of Great Britain, and the Marquis de Alegrete, on the part of Portugal, corrected this situation. Portugal agreed to admit British woollens at the favorable tariff rates which had prevailed prior to the prohibition, while England agreed to admit Portu-

guese wines at a reduction of one-third of the regular duties imposed on like wines imported from France.

This masterpiece of diplomacy was wonderfully enduring. It remained on the statute books of the two countries unimpaired—excepting the brief period 1786–1793, when it was virtually nullified by the provisions of the Pitt Commercial Treaty of 1786 between England and France—for a period of no less than 132 years, being terminated in 1836 by denunciation on the part of Portugal. During most of this time the treaty was highly beneficial to both contracting parties. England's trade with Portugal became the most flourishing that she possessed. Enormous quantities of woollen goods and other manufactured products were exported each year from England to Portugal and her colonies, particularly Brazil, and paid for partly in Portuguese wines and colonial products and the balance in bullion. The benefits that Portugal derived from the treaty were of two-fold character, political and commercial, of which the former were decidedly the more important. The treaty practically made the two countries firm allies. On more than one occasion the little Power profited by the spirit of helpfulness manifested by the government and people of the great Power. When, for instance, Spain attempted to subjugate Portugal, British troops came to the rescue, and when Lisbon was destroyed by earthquake it was the commercial alliance as much as humanity that impelled Englishmen to send generous contributions to the distant sufferers of alien race. In fact, all through the

extraordinarily long life of the treaty the mutual commerce was too valuable to be sacrificed by the rupture of friendly relations, and so the great Methuen Treaty, although consisting of but a few lines, and those exclusively relating to mutual tariff treatment of merchandise, was virtually a treaty of friendship and alliance.

The best illustration in our times of the principle above enunciated that intimate commercial relations are an effective guaranty of peace is furnished by our trade relations with Great Britain. Notwithstanding the circumscribed area of the British Isles, no less than 40 per cent. of the total trade (imports and exports) between the United States and Europe is with the United Kingdom. According to our own statistics for the fiscal year ended June 30, 1908, the value of the total imports of merchandise from and exports to that country was \$771,000,000, this representing 40 per cent. of our total trade with Europe and 25 per cent. of that with the entire world. Of this vast commercial movement our imports of merchandise from the United Kingdom were valued at \$190,350,000, which was 31.3 per cent. of our total imports from Europe, or 16 per cent. of those from all countries, while our exports to the United Kingdom represented a valuation of \$580,660,000, or 45 per cent. of our total exports to Europe, or 31 per cent. of those to the world. So that statistics show that the United Kingdom takes nearly one-half of all that we sell to Europe and just about one-third of all that we sell to the world, thus making that country preëminently our best customer.

The Atlantic Ocean is the scene of an endless procession of vessels carrying this vast commerce for the mutual benefit of the nations engaged in the interchange of commodities, and hundreds of thousands of producers in either country are dependent for their livelihood and the support of their families upon the uninterrupted continuance of this flourishing commerce. Here, in our trade relations with Great Britain, is strikingly exemplified the fact that the numerous ships which ply unceasingly between the two countries are engaged in the noble work of binding the nations together in international friendship and concord, and each and every vessel that comes and goes loaded to the full with the national products of one country destined for the people of the other is an effective agent in the cause of peace, tying, at each successive voyage, an additional knot in the bonds of mutual interest which unite the two nations. So close and friendly have these relations become that the idea of possible war with England is now as repugnant to the American people as is the idea of another civil war. If it were possible for the circumstances of the Venezuelan Affair of 1895 to recur to disturb the diplomatic relations between the two countries, it is certain that the episode would be settled dispassionately between the two governments, without the use of any "shirt-sleeve" despatches or bomb-shell messages to Congress, for the very suggestion of war between these two branches of the Anglo-Saxon race has come to be regarded among all law-abiding and thoughtful citizens as insane or almost criminal. Commerce has contributed more

than any other agency of civilization to bring about this national attitude toward war in the respective countries.

This being the state of feeling in the two countries, it is evident that that same Venezuelan Boundary Dispute, which, fourteen years ago, strained almost to the breaking point the peaceful relations between the two nations, could not possibly have a like effect at the present time. In 1895 our foreign trade, although extensive, had not become so essential a constituent of the national prosperity as it is to-day. Our statesmen in control of the Government, as well as our economists, now recognize the serious interdependence of all civilized nations on each other, but most of all of the principal commercial countries. Industrial depression, financial disturbance, and popular distress in England, or Germany, or France are sure to be reflected, sooner or later, in the United States, and *vice versa*, all these nations being like a row of bricks that lean one against the other and stand or fall together. These simple economic truths show how desirable and necessary it is that the spirit of mutual conciliation should prevail in international relations. Thus does Commerce point the way, pave the way, and guard the way that leads to a secure and lasting Peace among the Nations.

JOHN BALL OSBORNE

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THE UNITED STATES AND SPAIN



BY

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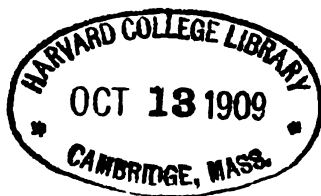
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THE UNITED STATES AND SPAIN

It may appear paradoxical to say that it is partly owing to their extreme dissimilarity of character that no two civilized nations offer greater probabilities of unbroken harmony in their future relations than do Spain and the United States. But it is nevertheless true, because in this case where such dissimilarity exists it happens that the qualities possessed by each people are exactly complementary to those possessed by the other, and a nation, like an individual, admires and is attracted by qualities which if it were possible to blend with its own would form a perfect character. For the greater part of a century, notwithstanding their instinctive mutual attraction, Spain and the United States were artificially kept at issue by divergent material and political interests, and by the natural impatience of progressive youth at the sight of outworn systems in too close proximity with its own newer ideals. But in the bitterest hour of their estrangement the two peoples never lost the almost wistful regard for each other's qualities which forms the most durable basis for national friendship. The material clash was inevitable, and in the end salutary to all parties, for Spain was bound by her great traditions not to abandon in the face of evident failure a task which was draining her very life-blood, and to which she knew herself to be unequal; whilst the United States could not stand by unmoved and see an American people struggling for freedom and national independence against a power which was unable to govern it for the public good. Strenuous as was the struggle while it lasted none who witnessed it can forget the underlying pity with which the people of the

United States in common with the rest of Christendom foresaw the useless gallant sacrifice when Cervera and his obsolete squadron, ill-armed, ill-formed and only strong in generous hearts, sailed from Europe knowingly to meet disaster rather than acknowledge impotence in the face of the world. It was impractical, unwise perhaps, but it was chivalrous and fine, and if Spain at this juncture had turned her back upon her glorious traditions she would not only have been false to herself in the supreme crisis of her fate, but she would have forfeited the respect, nay the future admiration and affection, of those that were then her foes.

In the Philippines, even in the heat of the contest, the same reasons for mutual respect were displayed. Hopelessly outnumbered, lacking all the elements for successful resistance and surrounded by hordes of rebellious semi-savages, who thought that the presence of the United States forces would enable them to sate their thirst for blood and vengeance, the Spaniards fought their hopeless fight so long as honour was at stake, and then loyally accepted the American control, full of admiration and gratitude for the practical and enlightened firmness that held the swarms of yellow men in check and saved the capital from catastrophe.

Spain knew then and acknowledges now, that she could never again have made her possessions in the Antilles and her friar-ridden islands in the far East useful colonies or sources of strength to the mother country, and that, apart from the passing national humiliation, the loss of the islands which were a drag upon her was an unmixed blessing to the nation at large, since it allowed the concentration of forces and energies sorely needed at home. The effect of this concentration is seen clearly already in the greatly

increased importance that Spain has gained since the war in the councils of Europe; and amongst Spaniards no trace of bitterness remains; indeed there was little if any even at the time, against the power which was instrumental in breaking the vicious circle in which Spain was confined. You may travel through Spain now from Irun to Tarifa and hear nothing but admiration for the progressive energy, the alertness and the ingenuity of the people of North America. Such agricultural and other machinery as is imported from abroad bears nearly always the name of an American maker, whilst in the capital and some of the greater cities handsome blocks of buildings raised by American capital stand as permanent object lessons in improved architectural methods. On the other hand the traveller in Spain will meet everywhere, to an extent undreamt of a few years ago, travellers and tourists from the United States, enchanted for the most part with the picturesque romance and old world courtesy that appeal to them on every hand. A strenuous people find in the repose of the Spaniards an antidote for their own restlessness; a nation of keen business men are brought into contact with a people, the keynote of whose character is an almost disdainful disregard for laborious and calculated gain; on the one hand keen acquisitiveness, on the other a languid altruistic magnanimity incite in their opposites the wondering admiration that engenders a kind of humorous and tolerant affection on both sides.

or is this mutual attraction confined to social intercourse. In no other country has Spanish literature of late years been studied so fruitfully as in the United States, and the North American universities now stand absolutely pre-eminent in this branch of

learning. Much has been done to promote such studies by the generous and enlightened efforts of such men as Dr. Archer Huntington; but the names of the late Dr. Knapp, of Dr. Chandler, Dr. Shepherd, and Mr. Underhill of Columbia, of Dr. Rennert, of Mr. Thatcher, Mr. MacNutt and many other American scholars also deserve to be held in enduring memory for the zeal and learning with which they have opened to the English-speaking world the beauties of Spanish literature and history. To an American author, Washington Irving, belongs the glory of first having unveiled to the modern world the subtle fragrant romance of Moorish Spain, and to two other Americans of our own day, Dr. Lea and Mr. Scott, are due the best modern histories of the Hispano-Moorish people. Spaniards, proud of their brilliant literature and of their eventful history, are fully conscious of and grateful for this warm interest in both on the part of American scholars, with the consequence that in Spain itself these subjects are attracting ever-increasing attention.

But nevertheless, the main intellectual reciprocity of Spaniards for this active literary interest in their tongue by Americans is shown in an eager study of the sociology and institutions of the United States and other progressive countries. The history of this awakening people in the last fifty years, and especially the result of their war with the United States, has brought home to them incontestably that in order to vie with the enlightened nations, whose qualities they admire and whose prosperity they envy, their own domestic organization must be reformed. The mass of the people have long been convinced that the remedy they seek will not be found in mere political

changes or by varying the nominal form of government; and on all hands it is acknowledged that the malady of the country, being to a great extent one of character, must be diagnosed by a close study of their social life and habits. This conviction has turned the best intellects of Spain in the last ten years almost exclusively to the analysis of social conditions at home and abroad, and more especially of those of the peoples of Anglo-Saxon origin whose institutions are most advanced.

Thus far we have dwelt mainly upon the mutual attraction of the two peoples by reason of their possession of complementary qualities; but there is at least one main racial tendency which both peoples possess in common to an extent unequalled by the like affinity of any other European nation with the United States. This tendency is the instinctive democratic feeling which forms the basic sentiment of the individual in both countries. It may appear strange to those who do not know Spain intimately that the most democratic nation in Europe, in sentiment at least, is that which is usually considered the most aristocratic. But it is just because the typical Spaniard, proudly conscious of his individuality, refuses to accept the adverse accidents of birth or fortune as a criterion of personal worth, that he is almost invariably as independent and self-respecting as the citizen of a Republic whose social system is founded on equality of rank. *Les extrêmes se touchent*, and in Spain, where the labourer, nay the very beggar, regards himself as potentially as good a gentleman as a duke or a millionaire save for the providential caprice that has made him lowly and poor, all are equal in their own estimation; just as in a professedly democratic State

where the same result is reached by an opposite process.

With these various social, intellectual and sentimental points of sympathy between the two nations there should never again occur any question not susceptible of harmonious settlement by mutual discussion. The war, unhappy as it was during its short agony, cleared away the only serious impediment to a perfect and enduring friendship. Bitterness and unjust judgment there had been on both sides before, the natural result of imperfect understanding of the difficulties and respective points of view. Spaniards or their government, running in traditional grooves and bound to the only methods known to their polity, could not be expected to see with the same eyes as a people unblinded by ancient sentiment and irritated at what they considered the tyrannical oppression of a kindred people at their very doors. Americans, on the other hand, could with difficulty realize the desperation of a proud people exhausted by past misgovernment and improvidence, yet doomed to struggle in order to maintain their national honour in the face of what they considered unjust interference and unmerited misfortune, although the struggle might entail, as indeed it did, the risk of their final downfall as a nation. "The white man's burden" of colonial possessions was not understood in all its gravity and complexity by the people of the United States, and Spain's traditional methods of dealing with it were directly contrary to those employed by the Anglo-Saxon nations. No wonder, then, that the two peoples for a time drifted into enmity by the stress of material circumstances. But all these causes of dissension have now disappeared. Spain has lived to rejoice at her

freedom from the responsibility that was dragging her down. America, with experience gained, sees better now than before the difficulties with which Spain had to cope, and can make allowances for her predecessor's failure because she failed to a great extent in consequence of the possession of those very qualities of proud immobility and exalted impracticalness, which are the complements to the American keen activity and wordly realism.

Spain has gained immensely in concentration and in national solidity as a consequence of the loss of her colonies. Henceforward she is a European power alone, with a geographical position which ensures for her an important place amongst the nations, and at no point do her interests come into antagonistic contact with those of the United States. Almost for the first time in her history the close friendship between England and France enables Spain to be on cordial terms with both; and whilst this condition of affairs exists, a great naval war in Europe is practically impossible. Spain therefore stands for the maintenance of peace, and the continued peaceful development of the world is one of the first interests of the United States. Every condition, therefore, social, intellectual and political, points to an enduring harmony of relations between the great Republic of the west and the free constitutional monarchy which lies nearer to its shores than any other country upon the European continent.

These considerations may be reinforced by the rapidly growing commercial intercourse between the two countries. The loss of the strictly protected markets formerly provided by the colonies at first seemed to threaten irreparable injury to Spanish

manufacturing industry, upon which the most prosperous provinces of the country existed. But the introduction of a high protective tariff for manufactured goods, and the awakened enterprise of the Catalan manufacturers have already more than compensated for the partial loss of the colonial markets. The extraordinary recovery of industrial prosperity has naturally not been unaccompanied by some depression in the export trade in natural products, which form the staple of the larger part of the country, and by a distressing rise in the price of the necessaries of life. The ruinously high international exchange consequent upon this state of affairs is however gradually bringing about its own remedy. The high rate of exchange with countries possessing a stable gold standard, whilst it pressed hardly upon many, enabled the Spanish manufacturers, especially of textiles, to export their goods at a profit to North Africa and elsewhere; and the resulting large increase of trade is gradually producing an equilibrium in the exchange, and an increased purchasing power on the part of Spain. This may be seen in the considerable increase year by year in the imports entering Spain from the United States, the value of which is now only exceeded by those received from France and England, whilst the amount of produce exported from Spain to the United States is almost stationary.

With the industrial and agricultural development of the country the demand for machinery from America cannot fail to increase enormously. Already Spaniards are awakening to the need for the adoption of modern methods of production; a vastly raised standard of living is noticeable, especially in the capital and the large towns: the return of rich colonists to reside per-

manently in Spain has introduced a moneyed class with wider views and more expensive wants than those of the old Peninsular gentry, and on every hand evidence is seen that the people, so long lethargic, are becoming more progressive, with new needs and aspirations. These can only be met by the introduction of commodities from abroad, to be paid for in some form or another by increased activity and productiveness at home, and of this quickening of Spanish life the United States will reap a full share of the benefit, since the general tendency of the advance is Anglo-Saxon in its character, and the financial support required for the increased development is largely provided by English and American institutions. There would, therefore, appear to be very numerous points of identical sympathy and mutual interest between Spain and the United States, whilst it is difficult to see one point upon which serious discord can arise.

MARTIN HUME

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23. The United States and Spain, by Martin Hume. October, 1909.

A small edition of a monthly bibliography of articles having to do with international matters is also published and distributed to libraries, magazines and newspapers.

Up to the limit of the editions printed, any one of the above will be sent postpaid upon receipt of a request addressed to the Secretary of the American Association for International Conciliation, Post Office Sub-Station 84, New York, N. Y.

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CECIL RHODES AND HIS SCHOLARS AS FACTORS IN INTERNATIONAL CONCILIATION



BY

F. J. WYLIE

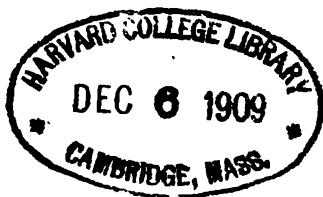
Oxford Secretary to the Rhodes Trustees

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American Association for International Conciliation

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The Association

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CECIL RHODES AND HIS SCHOLARS AS FACTORS IN INTERNATIONAL CONCILIATION

Cecil Rhodes was still a young man—not more than 24—when, in a paper of which Mr. Stead has given us the substance in his little book “The Last Will and Testament of Cecil J. Rhodes,” he attempted to formulate the ideas which should govern his life.

“Service of my country,” “betterment of the human race,” “furtherance of the British Empire,” “the end of all wars”—these are some of the phrases that catch the eye in this early document.

And in a Will which he drafted about the same time, and of which also Mr. Stead has given us some account, we find the same note—“extension of British rule,” “restoration of Anglo-Saxon unity,” “the foundation of so great a Power as to hereafter render wars impossible and promote the best interests of humanity.”

These are the ideas for which, while little more than an undergraduate, Cecil Rhodes had determined that he would live and work: and they do not differ in essentials from the ideas which speak to us from the document in which, much later in life, his maturer soul found expression, the Will which established the Scholarships. A difference there is; but not one that touches the fundamental spirit of the thing. Something of the local character has disappeared: a larger experience has modified the predominantly British tone of the first expression: but in essence the ideal

remains the same—the good of his country and the good of humanity.

It was characteristic of his genius, and is some explanation of his career, that the two should present themselves to him as no more than different aspects of the same ideal. For his was essentially a concrete mind. Dreamer in a sense he was: for he possessed in rare abundance the imaginative stuff of which poets, discoverers, philosophers are made. But behind his dreaming, or within it, moved the force which turns men's dreaming into action. We may call that, if we will, a quality of character rather than of mind. But we know in the end that these distinctions are provisional only, and academic, and that, in the chemistry of the living soul, mind and character somehow fuse, and make an individual. And of Cecil Rhodes' personality it is no contradiction, but the barest truth, to say that it was at once imaginative and practical: and that in consequence his thinking, however wide in reach, remained to the last concrete. There have been philosophies which have taught, in one form or another, that the more immediate good bars the way to the more ultimate—that the part is the worst enemy of the whole. But so abstract and timid a philosophy was little congenial to the mind of Cecil Rhodes. For him there was no whole except in the parts, and no ideal which did not realize itself in something near and personal.

If we apply this to our present interest, we may certainly say that for him Internationalism was not an ideal to be reached through the denial of Nationalism. "Pro patria per orbis concordiam." It is a notable and a pregnant motto that the Association for pro-

moting International Conciliation has chosen: it is one, moreover, within which the thought of Cecil Rhodes would have moved freely. Only, he would, I think, have insisted that we must be clear as to its emphasis and significance; that we must not interpret it as suggesting that the true nationalism is internationalism; he would have insisted that the approach must be the other way, through the nation to the brotherhood of man; *ita pro patria ut pro orbis concordia*. In his mind the service of humanity and the service of country ran together as a common fount of inspiration, and we should be untrue to his thought if we attempted to divide them. They are the two forms under which at different moments, or rather from different angles, he envisaged, with quite remarkable consistency, the thing most worth living for, the end of his own personal endeavor.

And he had a very definite and characteristic conception of the means through which he could best further this end. He would do what lay in his power to extend the area within which a special type of character prevailed. Character was to be the instrument: for character determines the way in which men approach the problems of society and government, and in the end dictates the solution at which they arrive.

And, inevitably, the type of character which he wished to perpetuate was the type he knew as British—or rather, as he later came to think of it, as Anglo-Saxon. For that type stood, in his belief, for the principles upon which the well-being of nations depends, the principles of justice, liberty, and peace.

Yes, Peace. Not only does the document in which, as early as 1877, he outlined his ideal, connect the

extension of British rule with "the end of all wars," but the Will of the same year, to which I have already alluded, gives the supreme object to which he would desire his wealth to be devoted as "the foundation of so great a Power as to hereafter render wars impossible." And to this end he suggests the formation of a secret society after the Jesuit model, co-extensive with the British Empire, preaching imperial ideas, and effecting its objects through the control of education.

Fourteen years later, in 1891, he sent to Mr. Stead a letter in which he formulates, roughly but unmistakably, what we may well call his creed. The centre of that creed is once more a secret society, and the sum and end of it all is the peace of the world, with a single language universal and triumphant.

Eight years later he drew up his last Will, the Will which founds the Scholarships.

The main provisions of that Will are so well known that I need not here do more than briefly recapitulate them. The bulk of his wealth Mr. Rhodes left to seven trustees, directing them to establish scholarships, tenable for three years, at the University of Oxford, for which should be eligible:

- (1) Colonists from different portions of the British Empire.
- (2) Students from the United States of America.
- (3) Germans.

Colonists are to be brought to Oxford "for instilling into their minds the advantage to the Colonies as well as to the United Kingdom of the retention of the unity of the Empire." Americans are to be included

in the scheme in order "to encourage and foster an appreciation of the advantages which I implicitly believe will result from the union of the English-speaking peoples throughout the world, and to encourage in the students of the United States of North America who will benefit from the scholarships an attachment to the country from which they have sprung, but without, I hope, withdrawing them or their sympathies from the land of their adoption or birth." And, finally, fifteen scholarships are assigned, by codicil, to Germany, because "an understanding between the three great powers will render war impossible, and educational relations make the strongest ties."

If we compare this Will with the documents in which Mr. Rhodes gave earlier expression to his beliefs and aspirations, we can only feel that his thought has grown and expanded, even while remaining in one sense the same. It has not altered in fundamentals, for the same ideas are there, dominating the whole: peace triumphant over war; education making for the union of peoples; international sympathy developing, not in spite of, but *through*, national loyalty. But the form which the ideal takes has undergone some change. In the first place, it is now less a question of "British rule" than of "Anglo-Saxon union." The ideal now is one of confederation, not of "absorption within the British Empire." In the second place, Germany for the first time comes within the scheme. The occasion for this addition may have been accidental, the recognition, so he tells us in the codicil, of English as a compulsory subject in German schools: but the real cause must be looked for in something deeper, in some underlying sense of the ultimate affinities of the

German-speaking and the English-speaking peoples—of a common, or at least of a similar, ideal working itself out in the character and history of the three great branches of the Teutonic family.

It may be that Germany never entered so completely into the heart of Mr. Rhodes' dream as did the United States of America: that his dream remained, as a dream, essentially Anglo-Saxon in character. But dreams have in the end to compromise with facts; and Mr. Rhodes at grip with the facts came, apparently, to feel that the destiny of the German race was sufficiently allied to that of the English-speaking peoples to make coöperation between the two for a common end a genuine possibility. Perhaps also he may have come to regard his original vision of the world dominated by one people, and attaining to peace in that way, as, if not fanciful, at least remote; to remind himself that it might be worth while to do something in the meantime to forward the great ideal of justice, liberty and peace, by promoting the coöperation of peoples the similarity of whose history, traditions and ideals might justify the experiment.

And if the extension of the scholarships to Germany sacrificed something of his original dream, the sacrifice brings its own compensation. For it plants the scheme more broadly on the roots of things: it brings us one stage nearer recognition of the fact that the peace of the world is destined to come not sooner merely, but more wholesomely even, and more irrevocably, through the concerted action of different peoples, whose differences have been merged in a common hunger for justice and peace, than through the predominance in the world of any one Power. It may

be that the fifteen German scholarships make no great show beside the ninety-six American and sixty (or, as they now are, seventy-eight) Colonial. But they have, I think, a significance of their own, of which number is no measure.

So much for the ideals and aspirations of Cecil Rhodes, as they shaped themselves in his brain, and developed, and came in the end to express themselves in the establishment of the scholarships. He must be cold whose blood moves no faster for the splendour of this idea.

I turn to Cecil Rhodes' scholars, to that body of men through whom his ideals are trying to secure to themselves a place and an influence in the world. Who so obvious as they to preach the gospel of international conciliation? It might almost be said that a scholar whose spirit does not answer to the call of the motto "*Pro patria per orbis concordiam*" is a failure for Cecil Rhodes; a failure for his idealism, and for the efforts which he has very visibly made to translate that idealism into the language of practical life. This does not mean, of course, that a Rhodes Scholar commits himself to any particular belief or doctrine. Election to a scholarship is not initiation into a society admission to which is conditional on the profession of a certain creed. All that Mr. Rhodes demands is that in the selection of his scholars weight be attached to such qualities of mind and character as are likely, in his view, when brought under appropriate influences, to develop a special attitude towards life, in particular a special attitude with regard to social service and the mutual relations of peoples.

But the influence of circumstance on disposition, however ultimately inevitable, is yet not for us calculable beyond the chance of disappointment: and it may be that, in one case or another, the direct contact with the life and thought of other peoples, of which these scholarships are the opportunity, will not issue in widened sympathies, will not generate a zeal for the service of man, will not bring any nearer to us the peace of nations. Well, we can do no more in that case than record a failure—a failure, that is, of Mr. Rhodes' idea, and of the influences upon which he relied. For a Rhodes Scholar who is not willing, on his way through the world, to do his share in the work of reconciling devotion to country with loyalty to the cause of peace is in one sense untrue to the Rhodes ideal: untrue, that is, not in the sense that he is false to any professions of his own—for he has made none—but in the sense, simply, that he was meant (may we not say?), in the great hope of Mr. Rhodes, to grow to a certain attitude or outlook on things, and has not done so.

We have seen that it was an idea constantly present to Mr. Rhodes that he might found a society copied from the Society of Jesus—"a secret society," he writes in 1891, "gradually absorbing the wealth of the world, to be devoted to this object," viz.: "to securing the peace of the world for all eternity." His idea may not have been destined to realize itself in just the form of which he dreamed. That after all is a small matter. The bigger a man's idea, the less can he tell what time may make of it. That is the penalty he must pay for the privilege of giving birth to something which has life in it.

But it may well be that in the process of the years the Rhodes society shall yet appear: not, in the event, as a secret society, nor composed of millionaires, nor expressing itself necessarily in any definite organization, but for all that a very real and living "society," a fellowship of men who have a common experience and are inspired by a common hope, of men who in partaking of the Rhodes benefaction have entered also into the inheritance of the Rhodes ideals; a fellowship, in one word, of his Scholars.

It is pertinent to ask how Mr. Rhodes hoped to produce through the scholarships the results at which he aimed. Well: that is all part of the idealism of the man, part of his gorgeous optimism. In the hasty judgment of the world, ignorant of much which could only become matter of public knowledge after his death, Mr. Rhodes' name stood for cynicism, perhaps for materialism. Those who knew the real man protested, for the most part in vain, that no judgment could more cruelly misjudge: and history is already writing its endorsement of the judgment of his friends.

Assuredly, no cynic ever took his dreams as seriously as Cecil Rhodes took his. Nor would cynicism ever have suggested to him that in bringing together in Oxford year after year some 200 young men, that they might associate with each other and with others of their kind, and be brought within the reach of certain influences and traditions, he was putting his hand to a work which should contribute to the peace and happiness of the world. Yet that is, in all literalness, what Cecil Rhodes believed, with a simplicity of conviction which might have been comic if it had not

succeeded in being magnificent. He believed that it is in the long run ignorance alone that divides: that knowledge undermines race prejudice, and weakens, if it cannot wholly dissipate, the hatred of nations. And it is just of mutual knowledge that a Rhodes scholarship is the almost unique opportunity. It gives a man, at an important moment of his life, three years of contact with new institutions, new types of character, new ways of looking at things. It gives him, quite apart from the time he spends at Oxford, opportunities of learning something of the literature and the life of European peoples; or perhaps, not to be immodest in our pretensions, we had better say, of some one European people. It gives him, indeed, more than that. For it is the opportunity at once of travel and of something more. Travel is much in education, but not the whole. And certainly from the point of view of the sympathetic understanding of our neighbors, the knowledge which travel gives is at the best incomplete. Illuminating it may be, but its light is still upon the surface. We need to supplement it with something more intimate and penetrating; something which only friendship can give. Travel widens the outlook, and brushes away the insularity that blurs the vision of so many, even of those whose homes are not in islands; but its work is preparatory and cathartic; and when prejudices are cleared away, it still remains for insight and understanding to come in and occupy their place. But the surest way to insight, perhaps even the only sure way, is through friendships. And a Rhodes Scholar who spends three years in the rare intimacy which Oxford College life encourages can hardly fail to form just such friend-

ships—friendships that count because they open the way to understanding.

It will indeed be strangely disappointing if a Rhodes scholarship does not make at least for sanity of judgment and breadth of sympathy.

We have heard sometimes of the risk of “denationalizing” a college boy by sending him for three years to Europe. Now a Rhodes scholarship, like other good things, admits of abuse; carries, in that sense, its own risks. But the particular risk suggested, viz.: that a man may find himself on his return unfitted for taking his place promptly and effectively in the life for which he has nominally been preparing, is, surely, so small that we can afford to disregard it. It may be an argument against sending to Oxford a man who has had no experience of college life at home. But if men are selected for the scholarships who have already found their manhood, and realized their citizenship, in their own country, the experience they gain elsewhere should fall into place, and, so far from disturbing them, should only fit them the better for efficient membership of the society within which their life’s work lies.

It has seemed natural here to speak mainly of what the Rhodes Scholar may get from his scholarship. But that is far from being the only side to it. He gives as well as gets. The influence, however, of individuals upon the tone of a society is as subtle as it is leisurely; and there is so much of hazard in any premature attempt to connect results with conditions that one shrinks from dogmatism. I will therefore content myself with saying that I believe the great majority of those who know the younger Oxford of

to-day would agree, both that it has become in these recent years more catholic in its sympathies and broader in its outlook, and that the contribution of the Rhodes Scholars to that result has been material if unobtrusive. This aspect of the question, however, is away from my present purpose, which has been partly to ascertain whether the principles of international conciliation are at one with the ideas which inspired Mr. Rhodes, and partly to consider how far the actual conditions under which the Rhodes scholarships are held justify us in hoping that those who may have enjoyed them will be among the men whose lives are found, in the issue, to have done something, however modest, for the advancement of the cause of Justice and Peace in the world.

For my own part—if I may be allowed to close with a personal expression of belief—the consideration of these questions leaves me with the conviction that always among the forces making for the harmony of peoples ought to be found, and will be found, the Cecil Rhodes Foundation.

F. J. WYLIE

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